

02/13/2003

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

RIGHT NUMBER: 29-11622

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

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

SOURCE: UNNAMED STREAM

TRIBUTARY: SINKS

QUANTITY: 0.280 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 29-4045C AND 29-11621
SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 07/01/1965

POINT OF DIVERSION:

T09S R36E S22 SWSWNW Within BANNOCK County Source: UNNAMED STREAM

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.280 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T09S R36E S22	SWNW	4.7	T09S R36E S22 Lot 9 NWSW	9.3
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14 ACRES TOTAL

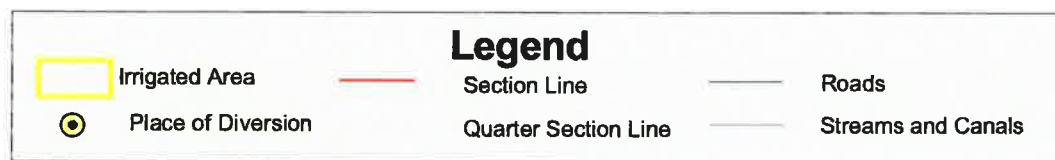
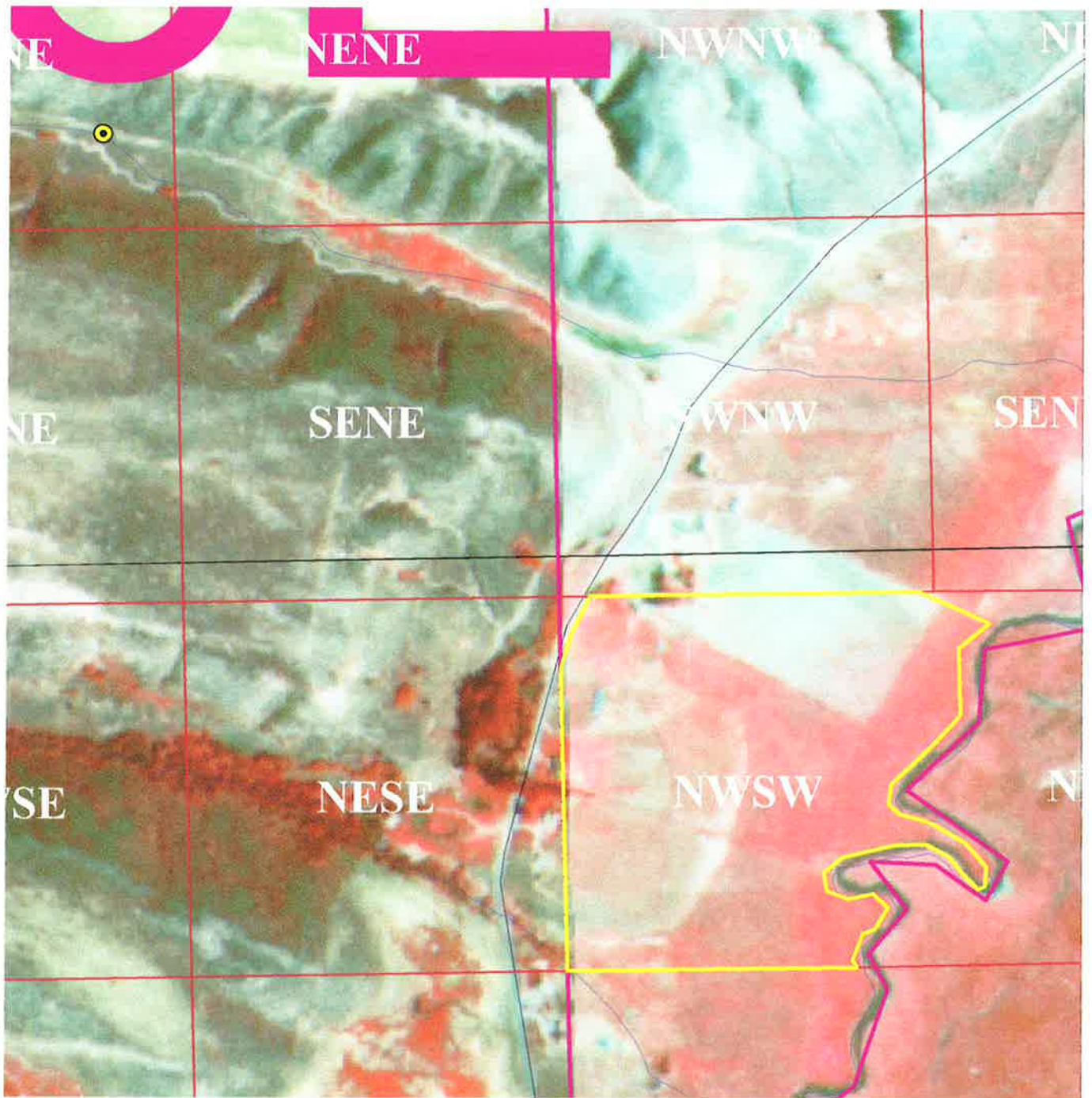
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-4097.

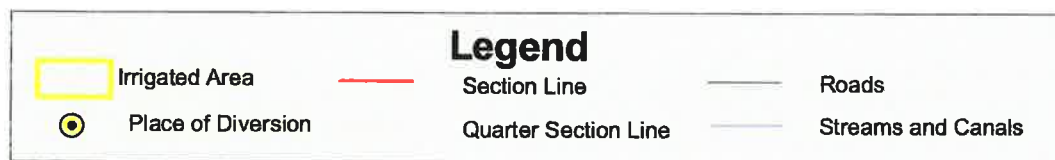
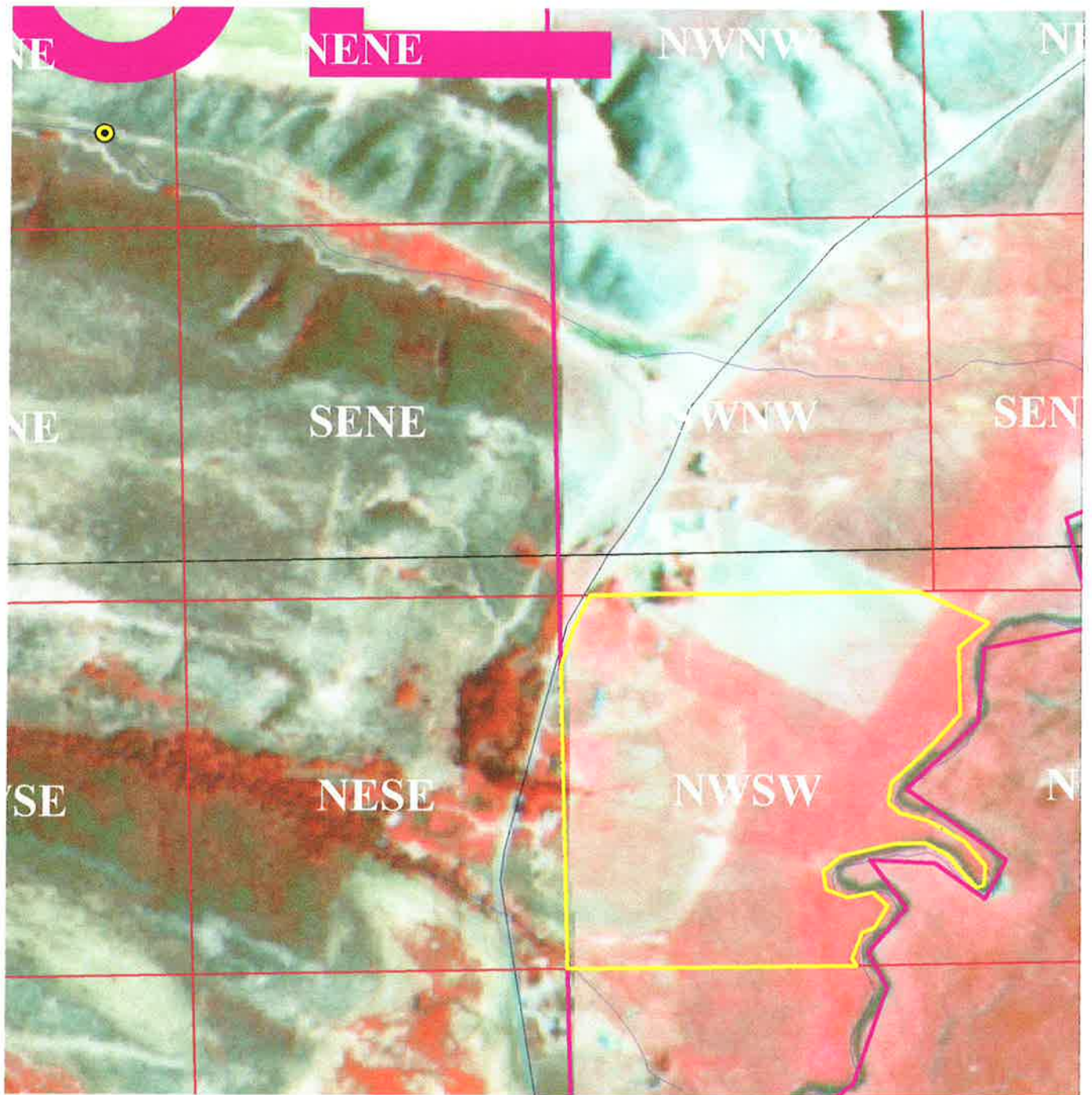
Township , 9S36E



300 0 300 600 Feet



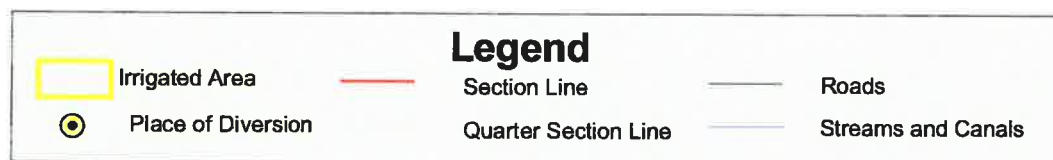
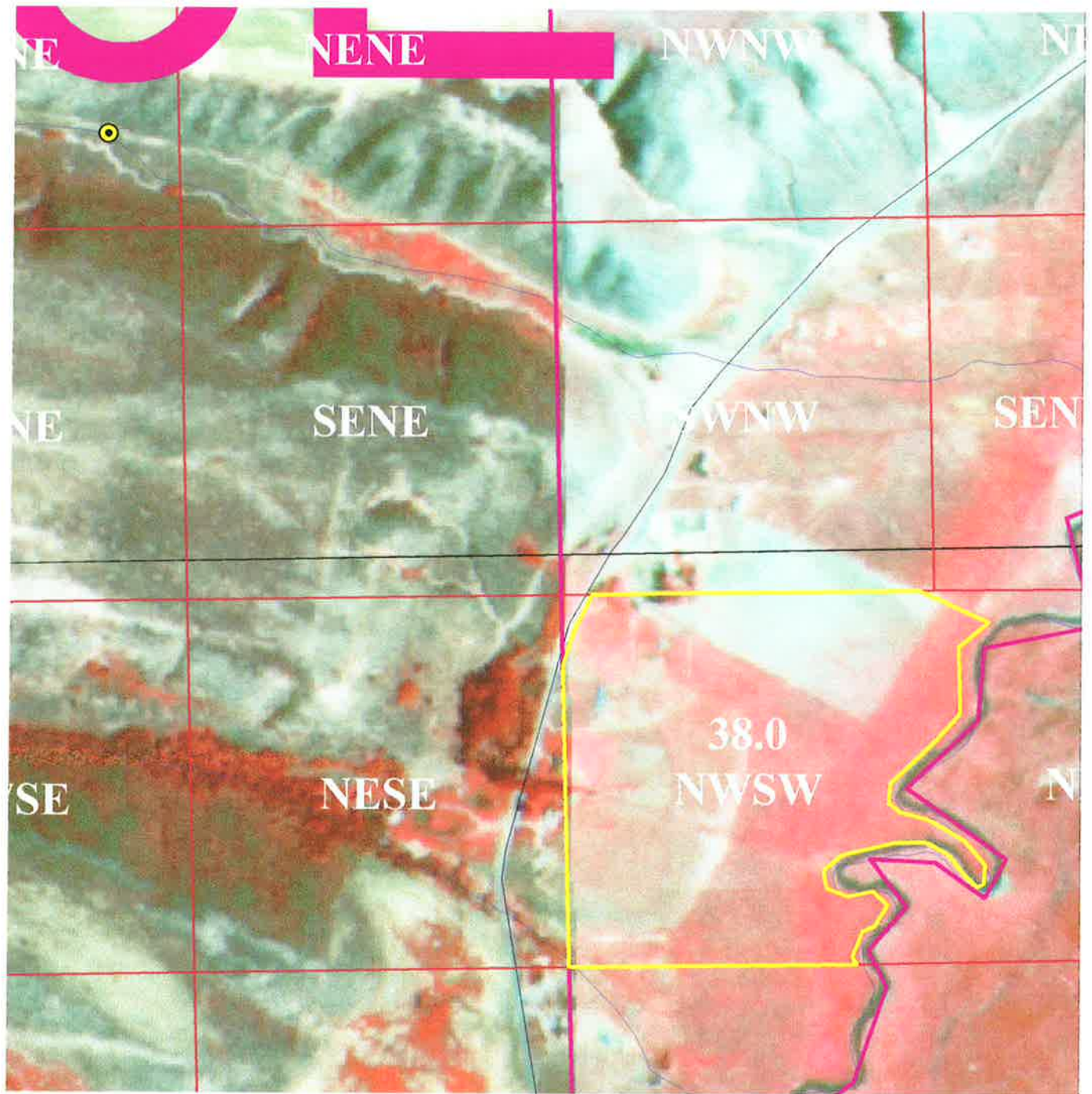
Township , 9S36E



300 0 300 600 Feet



Township , 9S36E



300 0 300 600 Feet



NOTICE OF ERROR
REPLY

Cindy

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: 29-11622

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

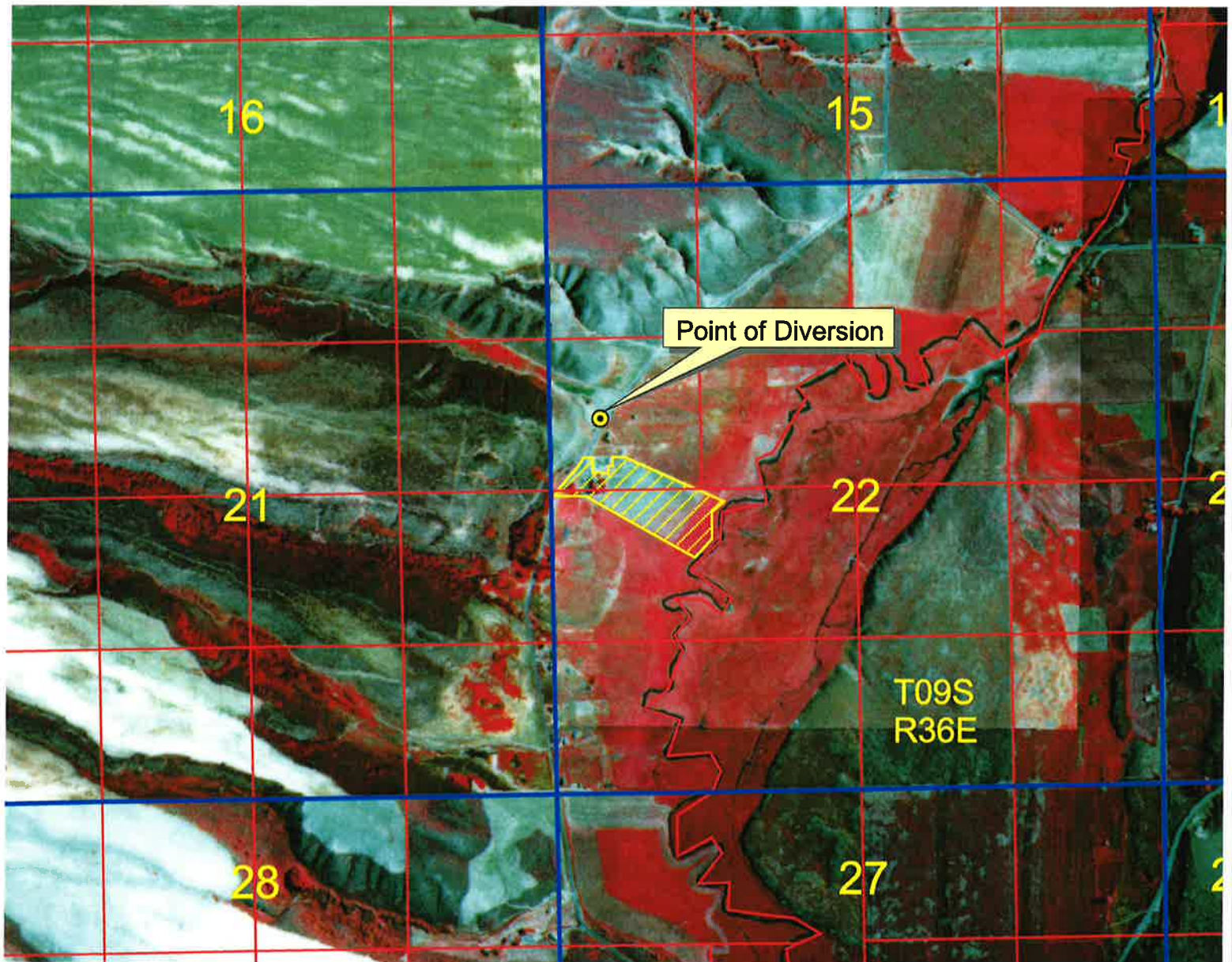
Please print your name: KURTIS B SMITH

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

RECEIVED
MAR 21 2003
IDWR REGIONAL OFFICE



State of Idaho
Department of Water Resources
Eastern Region
Water Right 29-11622



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

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: P. Meyer
Date: February 2003

Notes

Remarks/Conditions to ADD:

P01-I: E11 Use of this right with 29-4045C is limited to 7.9 acres in a single irrigation season.

Qty: E01 - This right when combined with 29-4045C is limited to 0.16 cfs.

This claim is based on 29-4097.

Recommend as 29-4097? or add

P21 Split from former right 29-4097

Have skip add Remarks to the water right data for 29-4097.

Remarks:

P06 Recommended as 29-11622

P10 Future claim to this right is barred

When I looked at the 1976 Orthoquad (ARIMS BB-91) the same white rectangle appeared on the Orthoquad as the 1987 NAPP Photography.

U-2 Photo for 1977 shows irrigation from the upper ditch of Smiths. Recommending 7.9 acres, from the 2 sources, not to exceed 0.02 in/ac. ~~limk~~ shape and update PLS/acreage and Calc. diversion rate.

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	Kurtis Smith	9562 S. Marsh Creek Rd	McCammon		83250	
Name connector: and <u>or</u> and/or						
Current Owner	Suzanne Smith					
Current Owner						

Representing Attorney: _____ Phone Number: _____

Accompanied By: Kurtis & Suzanne Phone Number: 254-3170Relationship to Claimant: self Kurtis WR 233-7761Date of Field Exam: 8/26/02 Time: 7pm

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

2 homes N. of Steelwood propertyReviewer: CBDate: 11/4/02

Priority Date Data Entry Form

Claim Number: A29-11622
Water Right Priority Date: 7-1-1965 Water Right Basis: Statutory Claim
Claimed Priority Date: April 24, 1947 Claimed Basis: Beneficial Use
Recommended Priority Date: 7-1-1965 Recommended Basis: B.U.

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

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

- This b.u. claim is based on Statutory Claim 29-4097.
- 11/4/02 9am Spoke with Kurtis Smith on evidence of priority for 7-1-65. He is going to talk with Lynn Bullock about it. I told Kurtis we need to get some clarification on Lynn's letter.

Reviewer: CB

Date: 11/4/02

Point of Diversion and Source Data Entry FormClaim Number: A29-11622 (based on 29-4097)Water Right Point of Diversion: T 9S, R 36E, Sec. 21, SE, NE, County: BannockSource: unnamed Spring Tributary: Marsh Crk.Claimed Point of Diversion: T 9S, R 36E, Sec. 21, SE, NW, NE, County: BannockSource: Unnamed Stream Tributary: SinksRecommended Point of Diversion: T 9S, R 36E, Sec. 22, NW, SW, NW, County: BannockSource: Spring Tributary: Marsh Crk☐ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
<u>9S</u>	<u>36E</u>	<u>22</u>		<u>NW SW NW</u>	<u>Bannock</u>	<u>Spring</u>
GPS Coordinates: _____						

GPS Coordinates: _____						

GPS Coordinates: _____						

GPS Coordinates: _____						

GPS Coordinates: _____						

GPS Coordinates: _____						

Other rights from this POD? _____

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

POD change? add CO3 Remark, POD Di On't chg just
field exam classified

GPS KSMITH in waypoints, shp. (POD)

Transfers Changing POD _____

Reviewer: CBDate: 11/4/02

Place Of Use Data Entry Form

Claim Number:

A29-11622☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
9S	36E	22	SWNW		Bannock		4.1	Irrigation
		22	NWSW		"		3.8	Irrigation

Total Acres 7.9

Document how the POU was verified:

field exam - No water in the ditch during field exam.
1987/88 NAPP PHOTOGRAPHY doesn't show

- look shape and update PLS/acres.
add COS Remark (1977 Imagery)

Transfers Changing POU _____

Reviewer:

CB

Date:

11/4/02

Purpose of Use Data Entry Form

Claim Number:

A29-11622(29-4097)

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
<u>Irrigation</u>			<u>30</u>	

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
<u>Irrigation</u>			<u>14</u>	

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
<u>Irrigation</u>				

Document how the Purpose of Use was verified:

Field exam
1987/88 NAAPP PHOTOGRAPHY doesn't show irrigation
on 1976 Ortho quad also doesn't
show irrigation

Transfers Changing Purpose of Use _____

Reviewer:

CB

Date:

11/4/02

Period of Use and Quantity Data Entry Form

Claim Number: A29-11622☐ 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	3/15	11/15	0.60	

Overall Diversion Rate 0.60 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

Overall Diversion Rate _____ Overall Diversion Volume _____

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

- field exam

- 1987/89 XAPP PHOTOGRAPHY

- figure Qty once Acreage is updated.

- Use department STD, POU.

Reviewer: CBDate: 11/4/02

5:15pm. Thursday

10/31/02 Kurttis Smith - Marsh Creek irrigates up about 400' from Marsh crk. He irrigates about 2½ acres with Marsh Creek with his small portable because of the size of the pump.

Cottonwood Creek comes in S. of the house and connects to the ditch SW of the house and flood the upper portion of the land. Most of the upper source is the unnamed stream (runoff water).

The Smith's Bill of Sale conveys 29-4097 to the Smiths. Frank Lew filed a statutory claim with the department. IT hasn't been filed on in the SRBA.

Check the w/r file in Boise tomorrow. on 29-4097.

Claim 29-11622 might be the same right?

Claim 29-11622 should be renumbered to 29-4097. Same claim.

Monday PM

EXAM INFORMATION

Exam Date 8/26/02

Exam Time 7pm

CLAIM(S) 29-11621, 4045C, 11622

NAME Kurtis Smith

ADDRESS 9562 S Marsh Creek Rd

PHONE () 254-3170

HOME

WORK

CELL

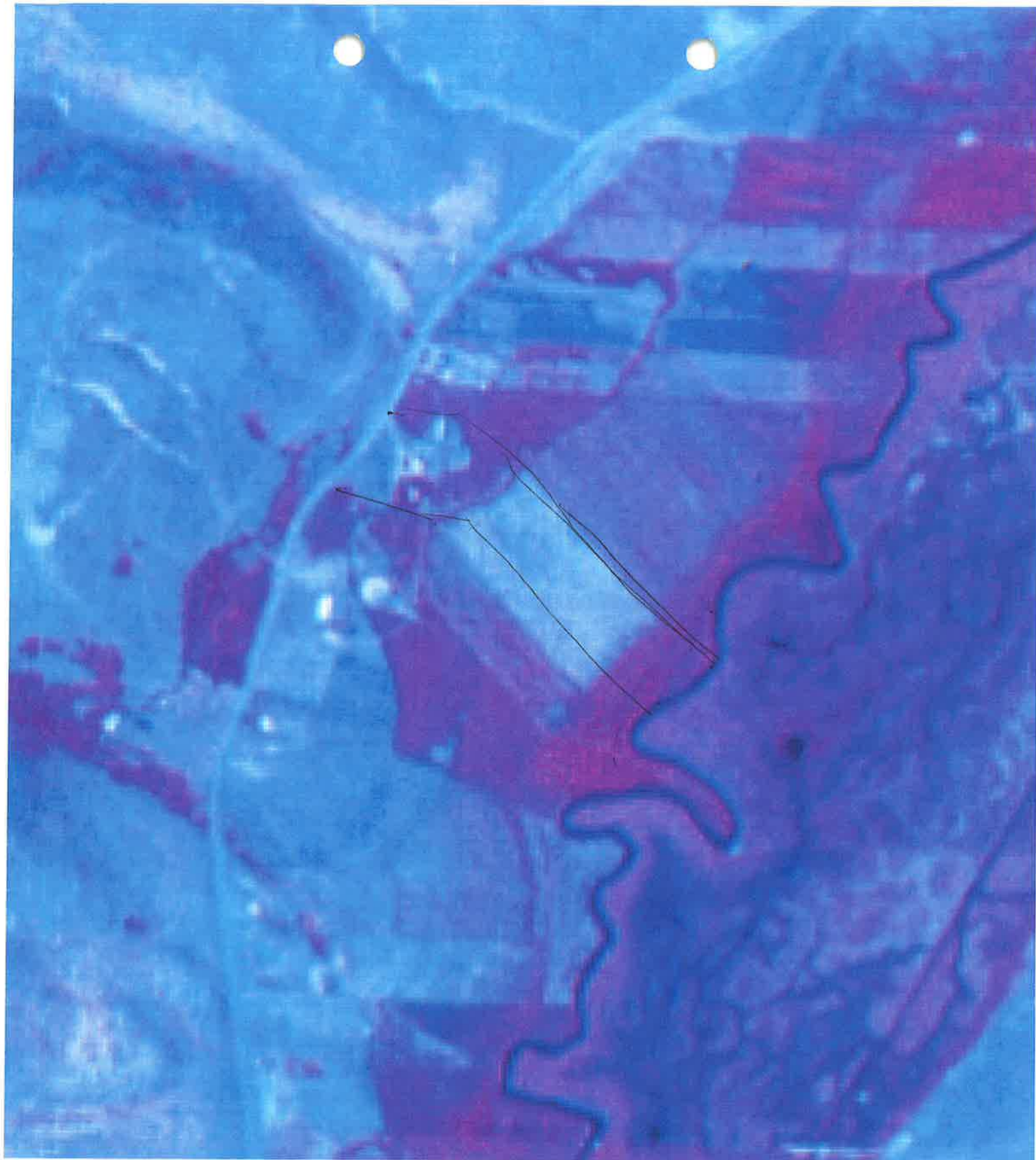
DOMESTIC ☐ STOCKWATER ☐ IRRIGATION ☒ OTHER ☐

OTHER RIGHTS _____

DIRECTIONS _____

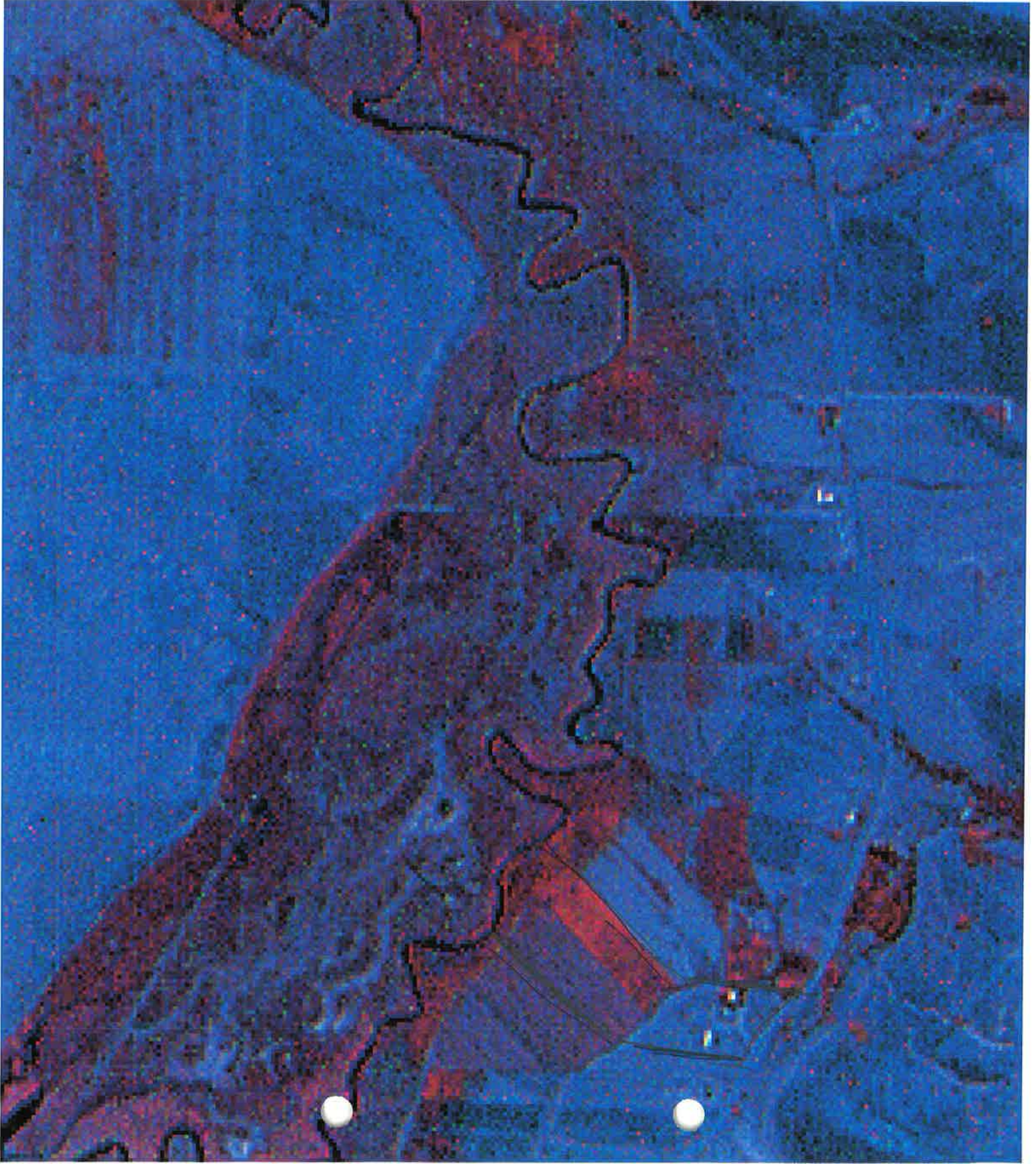
DOGS _____

DATE 8/21/02 APPOINTMENT Kurtis Smith



1976 Imagery U2 photo
1/2/03 Scanned by Scott King,

1/2/03 1977 Imagery scanned by Scott King.



10/31/02 5 PM. Susan Smith - Evidence for the spring?
It was late the last time I was out and was not
able to take any photos.

Purchased. 1981

late March (sometimes February)
starts getting water.

first week of July (late July longest)

GPS tag on concrete next to road
A0002522

Original homestead of ~~Frank~~ (Frank Lew
purchased from). Mr. Rowe
June 18, 1902

7:20 AM. 1-Photo looking west - the ditch goes under the road,
goes north to the tree and then it goes west to the canyon.
6-8" culvert - Runs $\frac{1}{2}$ $\rightarrow$ $\frac{3}{4}$ full

K Smith Unnamed Stream.

8-24-02 18:21 pm (19:21 pm).

N 42° 37.572' W 112° 14.435'

- 1990 something the pipe for fields
= Same pod as Murray.
A0012525 - NOT POD (FIELDS POD)

70 head of sheep

March Cde -

Portable Pump.
Ametek

Model AP220-1A
S/C # 10695384
AP220

70 hp on the pump. 2 1/2" NPS
2-2" lines connect the pump.

Back-up Pump
Monarch Ind.
1 1/2 hp.

Model USPT-E150
S/C # 8205

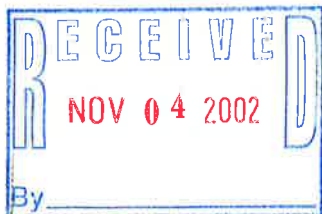
WARRANTY DEED

THIS INDENTURE, made this 12 day of March, in the year of our Lord, One Thousand Nine Hundred and eighty-one, between FRANK LEW, a single person, of McCammon, County of Bannock, State of Idaho, the party of the first part, and MAX RAY JOHNSON and DOROTHY FAY JOHNSON, husband and wife, and KURTTIS BJORK SMITH and SUZAN KAY SMITH, husband and wife, City of Inkom, County of Bannock, State of Idaho, the parties of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, lawful money of the United States of America, to him in hand paid by the parties of the second part, the receipt of which is hereby acknowledged, does by these presents, Grant, Bargain, Sell and Convey and Confirm unto said parties of the second part, and to their heirs and assigns forever: All that certain lot, piece, or parcel of land situate, lying and being in the County of Bannock, State of Idaho, bounded and more particularly described as follows, to-wit:

A parcel of land located in the North Half of Section 22, Township 9 South, Range 36 East, Boise Meridian, Bannock County, Idaho, being more particularly described as follows:

Commencing at a point marking the South-westerly most corner of Green Vale, a subdivision filed for record in the office of the Bannock County Recorder as Instrument No. 624657, said point also being the TRUE POINT OF BEGINNING; Thence South 89°39' East, 250.00 feet along the Southerly boundary of said Green Vale Subdivision; Thence South 64°17'06" East, 1044.27 feet along said Southerly boundary of Green Vale Subdivision; Thence South 42°44'31" West, 129.30 feet; Thence South 0°26' West, 226.23 feet; Thence South 43°50' West, 139.25 feet; thence South 63°39' West, 91.05 feet; thence North 59°27'05" West, 1097.16 feet; thence North 89°39' West, 250.00 feet to a point on the Easterly right-of-way line of Marsh Creek Road, said



point also being a point on curve; thence Northeasterly 115.28 feet along said curve to the right, said curve having a central angle of 15°11'00", tangents of 57.98 feet, a radius of 435.00 feet, and a long chord of 114.94 feet bearing North 34°51'30" East, said curve being on the Easterly right-of-way line of said Marsh Creek Road, to a point of tangency; thence North 42°27' East, 67.25 feet along said Easterly right-of-way line of Marsh Creek to a point of curvature; thence Northeasterly 267.53 feet along a curve to the left, said curve having a central angle of 11°04'02", tangents of 134.18 feet, a radius of 1385.00 feet, and a long chord of 267.11 feet bearing North 36°54'59" East, said curve being on the Easterly right-of-way line of said Marsh Creek Road, to the TRUE POINT OF BEGINNING.

Compromising of 14.4 acres, more or less.

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in any wise 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. The said party of the first part, and his heirs and assigns, warrant the said premises in quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said party of the first part and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said party of the first part have hereunto set his hand and seal the day and year first above written.


FRANK LEW

STATE OF IDAHO)
 :SS
COUNTY OF BANNOCK)

On this 13 day of March, 1981, before me, a Notary Public in and for the State of Idaho, personally appeared FRANK LEW, a single person, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)



NOTARY PUBLIC for Idaho
Residing at Pocatello, Idaho

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-4097

WATER RIGHT NUMBER: 29-4097

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FRANK LEW STAR RT BOX 291 MC CAMMON, ID 83250

Priority Date: 07/01/1965
 Basis: Statutory Claim
 Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	MARSH CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.600 CFS	
	<u>Total Diversion:</u>	0.600 CFS	

Location of Point(s) of Diversion

SPRING	SE1/4NE1/4	Sec. 21, Twp 09S, Rge 36E, B.M.
BANNOCK County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	36E	21													5.0				5.0
09S	36E	22											25.0						25.0

Total Acres: 30

Conditions of Approval:Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-4097

Dates and Other Information:

Licensed Date:
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 29H
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Kurtis Smith (233-7761. wk)
Copy of Claim 29-4097? 29-11622?

4097 POD: SENE Sec 21, T9S, R36E.
Claimed NW NE Sec. 21, T9S R 36E.

Chans up the canyon until it becomes to
step to Chan.

Priority date 7-1-1945.

Runoff in february for 3 days in 1987.

Poll changed: SWNW & NWSW.

✓ Rowe Source current name?

1981 Both pieces were irrigated from the

Basis Statutory Claim 29-4097

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SCANNED

CLAIM TO A WATER RIGHT

MAY 24 2001

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Frank Lew

(Name of Claimant)

Star Route, Box 291, McCammon, Idaho 83250

(Mailing Address)

Telephone No. 254-3264

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) July 1, 1965

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
unnamed spring tributary to Marsh Creek
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates Inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>0.60 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>3/15</u>	To <u>11/15</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
(4)	<u>0.60 cfs</u>	TOTAL QUANTITY USED.		

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
SE ¼ NE ¼, Sec. 21 Twp. 9S Rge. 36E B.M., County of Bannock

Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Small, earth-filled diversion dam, open-flow ditch to property.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	36E	22										25							25
		21													5				5

No. of acres 30

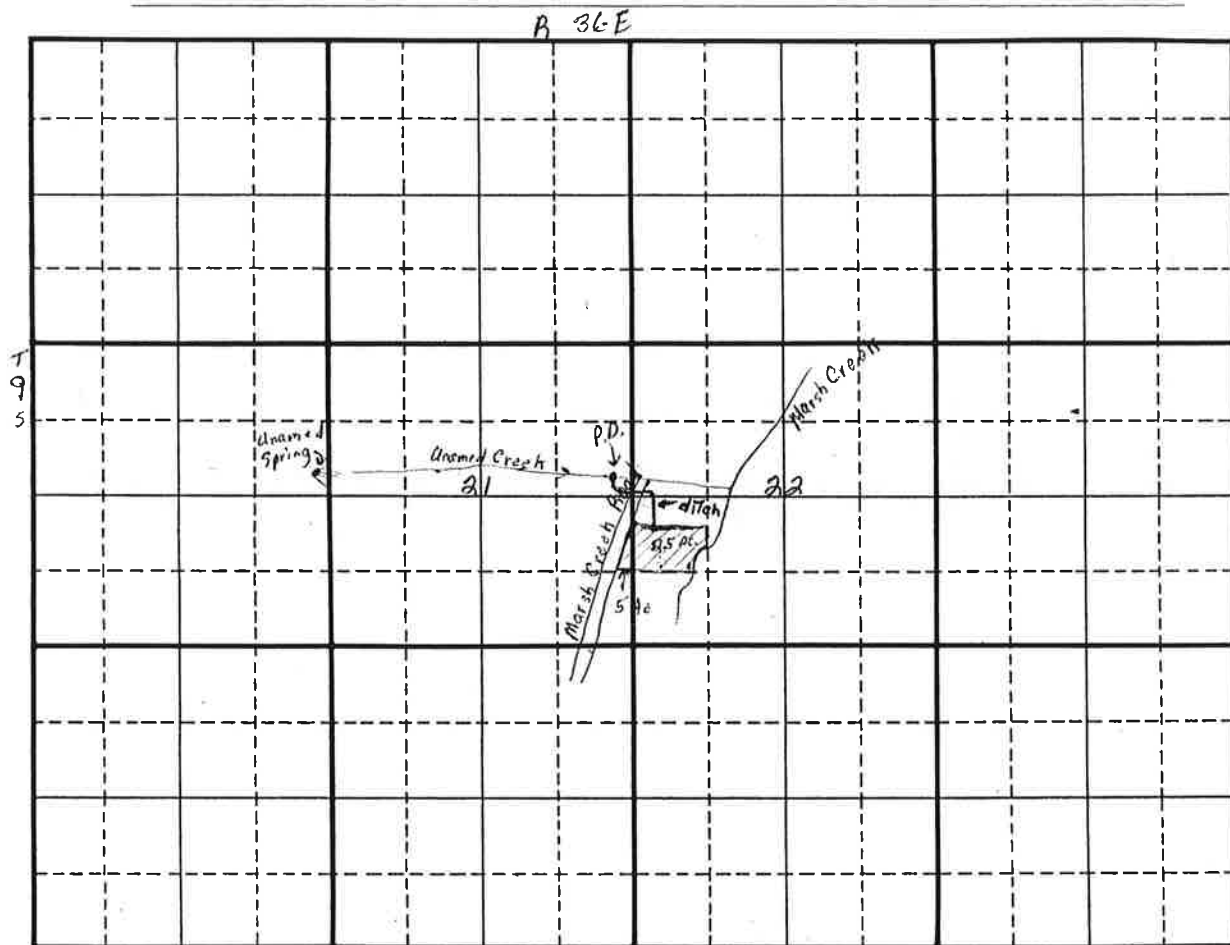
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered: _____

- (7) If you are claiming water as a member of an organization, list name of organization: _____

MICROFILMED

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bannock) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 21st day of May

Frank Lew
(Claimant)

Allen Gray
Notary Public
Residing at Idaho Falls

My commission expires 6-15-81

FOR DEPARTMENT USE ONLY			
Received by _____ dh	Date <u>5-21-79</u>	Exception filed by:	Forwarded to _____ Date
Prelim. check by <u>OC</u>	Date <u>5-21-79</u>		claimant by:
\$20.00 fee received by _____ dh	Date <u>5-21-79</u>	#11891	
Published in <u>Idaho State Journal</u>			
Dates <u>June 7 & 14, 1979</u>			

To whom it may concern,

I, Lynn Bullock, moved to the property that is now 8466 Marsh Creek Road with my family in March, 1926. I was 1 year old.

Rowe's dug a ditch from Cottonwood Creek, through what is now Wheatly's cattle lot, that ran under the road and down through Murray's land to N-S irrigation ditches in section 22. That ditch has been used by Rowe, Bischoff, Lew, Huskamp, Murray, Hope, and Powell.

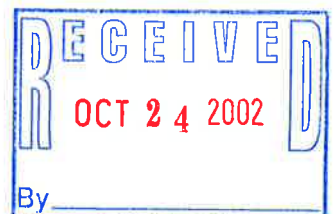
The culverts on Marsh Creek Road are where the spring runoff was used for ditch irrigation by Rowe, Bischoff, Lew, Spiegel, Worthylake, Smith, Huskamp (Murray), and Hope (Powell.) The culverts were in place on what is now Worthylake, Smith, and Murray's property when Marsh Creek was just a wagon road.

When Frank Lew bought the Bischoff property, the land from Murray's south had not been farmed for a while and Lew cleared sage brush before he sold the land.

Lynn & Bullock

*Lynn Bullock personally appeared before
ME Aug. 30, 2002*

Michelle D. Howell
exp date - 10-25-07
8-30-2002



March 9, 1955

I'm Fred R. Bischoff. (I'm 88 years old)
And I bought
the land from the Federal Land
Bank between 1939 and according
to their records the water was
filed on June 18 1902. We
farmed it until 1965. We used
the water every year to flood
irrigate. We sold the place to
Frank Lee as near as I know
they used the water ever since.

Truman Rowe mortgaged the
land to the Federal Land Bank.
He got struck by lightning and it
killed him. He also used flood
irrigation method.

The main crops were hay and
grain.

Fred R Bischoff

Fred Bischoff Came before
me 3-9-95

Belva Olsen Hansen

McCammon, Id

exp date 10-95

August 20, 2002

My father, Fred R. Bishoff, bought property along the Marsh Creek, then known as the Truman Rowe ranch, in the spring of 1939.

As I remember, he used water for irrigation from the snow run off that came down from the mountain south of the orchard.

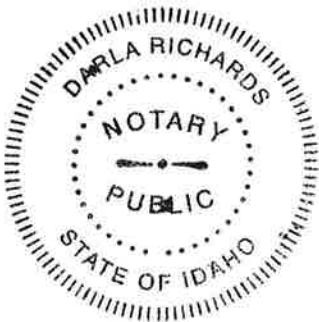
Marlene B. Rowsell

Marlene Bishoff Rowsell
590 Hillview Dr.
Blackfoot, ID 83221

8/20/2002

Darla Richards

3/12/2005



Jill Rowe Gunter, NBCT
1300 State Street PO Box 312
McCammon, ID 83250

August 25, 2002
McCammon, Id 83250

To Whom It May Concern:

I wish to attest to all parties concerned that my ancestors on the Rowe family line first settled in the McCammon area as early as 1880. According to family records, they moved on the property now in question concerning water adjudication, on January 15, 1880 and lived in their covered wagon until spring at which time they built a log cabin which is still standing.

The family of Benjamin T. Rowe and Mary Ann Pope Rowe, my great-great grandparents are listed in the 1880 census of Oneida County (which then encompassed the area now in question), Idaho Territory. Four children, Benjamin Jr., Louisa, Mary, and Truman, my great-grandfather, are listed as their living children.

According to Blackfoot Homestead Entries, recorded at the Blackfoot Land Office, Benjamin Sr. took patent on this land with water rights, on June 18, 1902. This was the first day following the great land rush of June 17, 1902 that the land office was open for recording of homestead property.

Truman acquired the property following his father's death and farmed the land until he was killed by lightning in 1926. My dad, Loyal Ted Rowe, son of Sherman Rowe, told me many times how he loved to help his Grandpa Truman water the fields in the little red irrigating boots which were a gift from his grandfather.

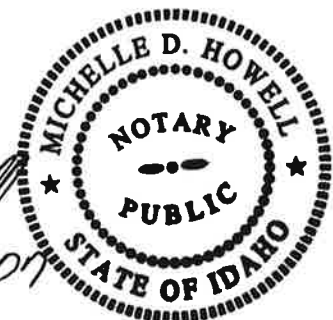
After Truman's death, his wife, Mary Jane Croshaw Rowe and their grown sons, Sherman, Earl, William, and Edgar continued to farm and irrigate the ground until it was foreclosed on and sold at a sheriff's auction in 1937.

To the best of my knowledge, according to land records, deeds, marriage records, birth and death certificates, and written and oral family history, the Rowe family was one of the earliest to settle in the valley. They occupied and watered the aforementioned land from 1880 to 1937, a total of 57 years.

Yours truly,

Jill Rowe Gunter
Jill Rowe Gunter

Michelle D. Howell
Exp. Date - 10-25-07



ROWE FAMILY HISTORY-

The Rowe family of McCammon were pioneers in the area before 1880. The name Rowe is an anglicization of the German name, RAU, and the immigrant ancestor, Jacob Rau or Rauh came from the Palatinate of that country in 1709 in an immigrant vessel to the shores of New York. The family remained in the county of Delaware, New York, for over three generations, until about 1855 when Benjamin Turner Rowe (Senior) left New York for Clark County, Missouri. It was in this northeast corner of the "show me" state that he met another German, Rebecca Ann Pope (anglicized from Pabst, Papp) and they married in 1862, by a minister of the

Six children were born to this couple in Kahoka, Missouri. They were; William J., Benjamin Turner (junior), Louisa Alice (called Eliza) Ally (possibly a twin who died at birth- a male child), Mary Ellen, (called Molly) and Truman Washburn Rowe.

Two of Benjamin T. Rowe's brothers, Peter and Hiram Rowe, were with him in 1874 when they left Kahoka, evidently headed west. A son of Hiram's named Wellington Hiram Rowe was a printer's devil or type-setter for the local newspaper, the KAHOKA GAZETTE. A copy of that newspaper, still in the offices of that paper quotes: "We will miss Wellie, as he could up-end more m's and w's than any other printer's devil we have had. The item goes on to say that the family and two uncles and their families are "headed for Boulder, Colorado".

The two brothers, Hiram and Peter Rowe did settle in and around Boulder, Colorado and their families are still there 2 generations later. Benjamin Turner Rowe, Sr., however, evidently had his eyes farther west on the Oregon Territory which was opening at about that time. They continued westward, probably on the Oregon Trail. Tradition says they travelled by wagon and on horseback, the children walking most of the way, thinking to reach the coast before winter. It seems a wrong turn somewhere, perhaps close to Fort Hall, put them on to the trail for California. They were heading back for their Oregon Trail when rumors of Indian uprisings and winter overcame them. They had to stay the winter in the valley of McCammon.

Perhaps the valley was comfortable to the weary travelers. There was water there and the land was fertile. They heard of prospects of a railroad being built. There were already other settlers in the valley. They stayed on.

The 1880 census of Oneida County, Idaho Territory, finds Benjamin Turner Rowe and Rebecca A. Rowe with 4 children at home; Benjamin (Jr), Louisa, Mary and Truman. Perhaps William had gone on to Oregon. Both daughters eventually marry and are in Oregon later, also.

Benjamin Turner Rowe Jr. married Sarah Jane Allen in 1888 and they were the parents of 12 children all born in McCammon. Truman married Mary Croshaw in 1896.

By the Blackfoot Homestead Entries, Benjamin Sr. took patent on land in McCammon in Section 22 in 1902. The note says--"Our records do not show exactly what happened on this transaction. However, patent to this land was issued to Rebecca Rowe on 27 April 1908." This was 3 years after Benjamin Sr. died. Truman Rowe and Benjamin Jr. took patent on land there in 1908, also, as did Mary J. Rowe, wife of Truman. Some of the land records give patent as early as 1881.

Benjamin Sr. and the sons built a log cabin in the area on what they called the "Marsh Creek Road" west of town. Here Rebecca lived close to Truman until her death in 1912. The cabin is still there.

Children of Benjamin T. Rowe and Sarah Jane Allen Rowe were: Louis, Vern, Myrtle, Elicia, Alice, Priscilla, Willametta, Mark, Paul and Paulene (twins) Bert, and Delos. Paulene, the twin, died shortly after birth. Two of this family are living: Paul, who resides at Blackfoot and Delos of Bellingham, Washington.

Truman's descendants still live in the McCammon area.

B.T. Rowe Jr. was instrumental in starting the McCammon Ditch Co.



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID 29 11622
POD ID 206653
Quad McCammon
Claim Type L
Easting 644349
Northing 171029
GPSID A0012522

Diversion Description

See also Claim for 206636, Arimo 1
18" culvert runs 3/4 full. 0.001 slope
runoff water out of canyon. Cottonwood Cr is primarily irrigation.
Occasional stock water sed. Cleans sew/first flush

Assumptions

Invoice

2000-037-01-0

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

Linked
Photos

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

0

Open Channel Flow

☒ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

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

Diameter 0

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity

Velocity 0

☐ Orifice

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

Depth of Water above orifice centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

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

Channel Slope 0.001

Channel Description

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

Pumped System

☐

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information

☐

New Contact Comments

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SCANNED

JUN 04 2001

Log for claim A29-11622

Spatial Dynamics LTD

7/14/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s36e	22	NWSW	14	38	Indiscernible
Totals:			14	38	

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 252

Water Source:	UNNAMED STREAM	Tributary to:	SINKS	Stage:	BENEFICIAL USE
Point(s) of Diversion:	T09S R36E S21	SENWNE			BANNOCK County

		NE				NW				SW				SE				
T	R S	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
09S	36E 22									14								14.0
																	TOTAL ACRES	14.0

Other Rights: A29-07617, A29-04045C, A29-11621

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

A29-02269D A29-04045 A29-04045B A29-04045C A29-04045D A29-04113 A29-04113A A29-07617 A29-10007 A29-11621

Remarks: GEN SOURCE OF WATER IS SPRING RUNOFF

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

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

Audit: 04/25/90 ESRBA 09/09/94 JTHOMPSO 03/29/95 POST-STD 04/12/00 CVANDERM
04/13/00 CVANDERM

RECORDED
NOV 14 1996

A29-04045C

SEE

EOP

CLAIMANT'S NAME Smith CLAIM IDENT. NO. A29-116022

DATE RECEIVED 4/23/90 CK # AMOUNT \$

	YES	NO	Required Info?
1. Is the name and address complete with zip code?	☒	☐	*
2. Is a priority date entered?	☒	☐	*
Is the priority date acceptable in view of mandatory filing dates?	☒	☐	*
See Adjudication Memos #1 and #4 to determine if a Permit is required.	☒	☐	*
3. (a) Is a source entered?	☒	☐	*
(b) Is a tributary to entered? (if required)	☒	☐	*
4. Is the legal description of the p.d. sufficient?	☒	☐	*
5. Is there a description of the diverting works?	☒	☐	*
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.	☒	☐	*
Is the period of use included?	☒	☐	*
Is a quantity claimed for each use?	☒	☐	*
7. Is a total quantity claimed entered?	☒	☐	*
8. If required is a consumptive use entered?	☒	☐	*
Is the consumptive use correct?	☒	☐	*
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.	☒	☐	*
10. Is (are) the place(s) of use and purpose(s) indicated?	☒	☐	*
11. Is (are) the county(ies) entered?	☒	☐	*
12. Is the ownership of p.u. checked?	☒	☐	*
13. Are other water rights listed or "none" indicated?	☒	☐	*
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.)	☒	☐	*
15. Is the basis of the claim indicated?	☒	☐	*
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)	☒	☐	*
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	☒	☐	*
18. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
19. Was this claim filed on time, or was an extension granted?	☒	☐	*
20. Is the fee enclosed correct?	☒	☐	*
21. If this claim is based on an existing water right, has the identification number been entered?	☒	☐	*
22. Should this claim be data entered?	☒	☐	*

Claim checked by: RAV 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: RAV Date: 4/25/90 Checked by: RAV Date: 4/25/90

Sent to claimant by: Date:

Comments: coverage fee pd. thru A29-07617-

MICROFILMED
DEC 09 1992

SCANNED

JUN 04 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: A29-11622

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

2. Date of Priority: APR 24, 1947 7-1-1965
3. Source: UNNAMED STREAM Trib. to: SINK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	36E	21	SE	NW	NE		BANNOCK

5. Description of diverting works:
DITCH, GRAVITY FLOW

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:

A29-11622

Page 1

Date: 04/25/90

A2911622



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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, A29-11621

14. Remarks:
SOURCE OF WATER IS SPRING RUNOFF

15. Basis of Claim: BENEFICIAL USE → 29-4097

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 _____

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

A29-11622

Date Received

4-23-90

Receipt 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

1. Name of Claimant (s) Kurtis B. or Susan K. Smith Phone (208) 254-3170Mailing Address 9562 S. Marsh Ck. Rd., McCammon, ID Zip 832502. Date of Priority (Only one (1) per claim) April 24, 19473. Source of water supply (a) Unnamed stream (spring runoff)
which is tributary to (b) sink4. a. Location of existing point of diversion is: Township 9S Range 36E Section 21,
SE 1/4 of NW 1/4 of NE 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. Ditch, gravity flow.

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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	
9S	36E	22										14							14

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), A29-02269 (portion) or None ()

14. Remarks:

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DEC 09 1992

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____
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) Hunter 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 Bannock) SS.

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

SEAL

Notary Public

Residing at

My Commission Expires

Helen 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 _____

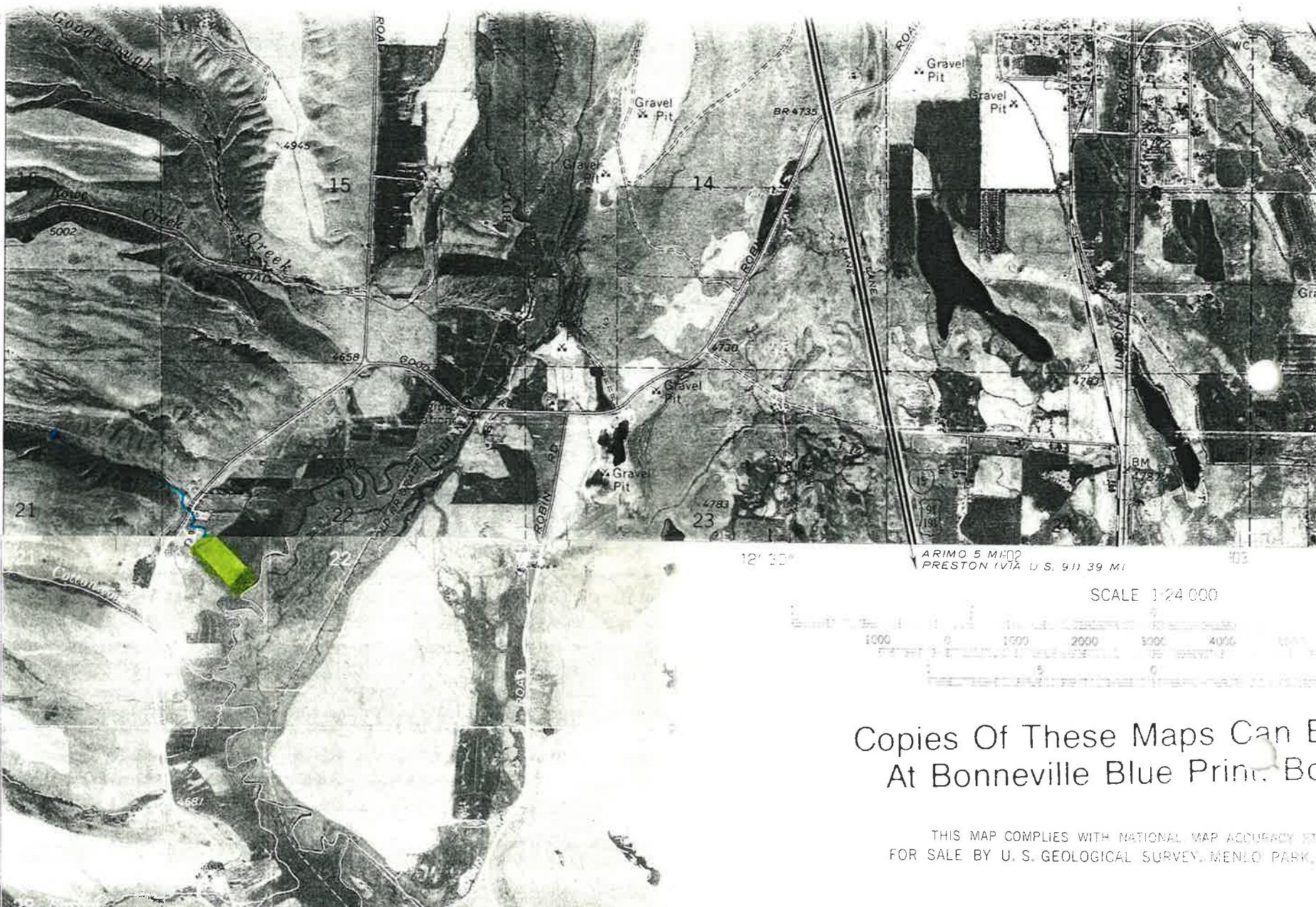
Date _____

Last Name _____ Ident. Number _____

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DEC 09 1992

Copies White-State, Yellow-Claimant

*Spring
new*



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DEC 09 1994

