

11/08/2002

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

RIGHT NUMBER: 29-12137

NAME AND ADDRESS: ADA K SMITH
2620 KELLY TOPONCE RD
BANCROFT ID 83217

ALAN SMITH
2620 KELLY TOPONCE RD
BANCROFT ID 83217

SOURCE: KING CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.050 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 06/18/1902

POINT OF DIVERSION:

T07S R38E S14 SWSW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	09/15 04/15	0.050 CFS

PLACE OF USE: STOCKWATER Within CARIBOU County

T07S R38E S23	NESE	T07S R38E S23	NWSE
T07S R38E S24	NWSW		

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

Claim No. A29-12137

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET

also. Boise 1-208-377-1173
4804 Burlington
Boise, 83704

1. ☐ No Change NAME:
☐ NEW OWNER:
☐ No Change ADDRESS:
☒ NEW ADDRESS: 2620 Kelly Topance Rd.
Barnes 83217.
2. ☒ No Change - DATE OF PRIORITY: Completed - No Field Verification Needed.
☐ Incomplete - Claim shows no priority date, claimant should be asked during the exam when was water first used.
Priority date, per claimant, is _____
(If the priority date, based on your exam, seems questionable, explain in remarks.) Evidence of Priority litigant 8/28/01

3. ☒ No Change - SOURCE:
☐ Source is different than that claimed:
Source found: _____
4. ☒ No Change - POINT OF DIVERSION:
☐ Point of diversion is different than the claim
New P/D: Twp. _____, Rge. _____, Sec. _____, _____ 1/4 _____ 1/4 _____ 1/4.

Note: If the 10-acre tract is shown on the claim, then verification of the 10-acre parcel is needed. Otherwise the 10-acre tract is not required, unless the source is a spring.

5. ☐ No Change - DESCRIPTION OF DIVERTING WORKS:
☐ Incomplete description, complete items missing, IF KNOWN.
☐ Additional description in comments.
HP of pump _____ Static water level _____ Well depth _____
Casing size _____ Pumping water level _____ Gravity flow _____
Method of irrigation _____

6. ☐ No Change - WATER USES:
☒ Different uses, (list uses found).

Use Stock From 9/15 To 4/15 Amount 0.05 cfs _____ af

Use _____ From _____ To _____ Amount _____ cfs _____ af

Not recommending G.W. recharge because that can only be done by an organization

7. ☐ No Change - TOTAL VOLUME:
☐ Change found, The new total is - _____ cfs _____ af

8. Not applicable

9. ☐ No Change - NON-IRRIGATION USES: Completed on claim
☐ Incomplete on claim - Exam found:

Domestic - No. of homes _____ Other: _____

Stockwater - No. of head and kind 175-Range cows (EXP Remark)

Not Recommending G.W. recharge because individuals aren't allowed to do G.W. recharge

Claim No. _____

10. ☒ No Change - PLACE OF USE: (If changed, list below.)
☐ Place of use is different than the claim
New P/U:

Twp. Rge. Sec. 1/4, 1/4 Use

Remarks: (Include type and code)

N11 Qty Cond
N13 Gen Cond
C18 Gen Condition

Comments pertinent to field examination:

10/15/01 W.L. Hatch will work on getting evidence of priority.
see file 29-128 map for King Crk water.

No G.W. recharge allowed - only the stock water
use.

ATTACHMENTS:

Attached to
This Form.

Attachments are
in Claim File.

PHOTOS ☐
MAP ☐
SYSTEM DIAGRAM ☐

☐
☐
☐

- ☐ Changes found during exam or additional information in the claim file, see claim file.

DATE EXAM CONDUCTED: 10-15-01

FIELD EXAMINER: C. Bird

Signature Cindy Bird

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-12137

WATER RIGHT NUMBER: 29-12137

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ALAN SMITH KELLY RD BANCROFT, ID 83217
Current Owner	ADA K SMITH BANCROFT, ID 83217 (208)648-7775

Priority Date: 06/18/1902
Basis: Beneficial Use
Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	9/15 to 4/15	0.050 CFS	
GROUND WATER RECHARGE	9/15 to 4/15	2.000 CFS	
	<u>Total Diversion:</u>	2.050 CFS	

Location of Point(s) of Diversion

KING CREEK	SW1/4SW1/4	Sec. 14, Twp 07S, Rge 38E, B.M.
CARIBOU County		

Place of UseSTOCKWATER Within CARIBOU County

T07S R38E S23	NESE	T07S R38E S23	NWSE
T07S R38E S24	NWSW		

Total Acres: 0

GROUND WATER RECHARGE same as STOCKWATERConditions of Approval:Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-12137

Dates and Other Information:

Claim Received Date: 6/25/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number: 29
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

Water Right Report

[Close](#)

07/31/2001

IDAHO DEPARTMENT OF WATER RESOURCES Adjudication Claim Report

WATER RIGHT NO. 29-12136

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ADA K SMITH BANCROFT, ID 83217 (208)648-7775
Current Owner	ALAN SMITH KELLY RD BANCROFT, ID 83217

Priority Date: 12/31/1955

Basis: Beneficial Use

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	1/01	12/31	0.05 CFS	
DOMESTIC	1/01	12/31	0.04 CFS	
Total Diversion			0.09 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NWNWSE	Sec. 23	Township 07S	Range 38E	CARIBOU County
--------------	--------	---------	--------------	-----------	----------------

Place(s) of use:

Place of Use Legal Description: STOCKWATER CARIBOU County

Place of Use Legal Description: DOMESTIC CARIBOU County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	38E	23		NWSE										
Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	38E	23		NWSE										

Conditions of Approval:

1.	N13	THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2.	N11	THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Dates:

Licensed Date:

Claim Received Date:

Decreed Date: 06/18/1998

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 20, 2001

A29-12137

Alan and Ada Smith
2620 Kelly Toponce Road
Bancroft, ID 83217

RE: EVIDENCE OF PRIORITY

Dear Claimant (s):

The Idaho Department of Water Resources has recently begun its water right review in Basin 29. The Notice(s) of Claim identified with the number shown above in the "address" label and at the "end" of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some examples of Documents Which May Be Evidence of the Priority Date".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel.

.....
The Department cannot recommend the Notice be decreed by the court if no evidence of a priority date is submitted.
.....

Please submit the documentation supporting the priority date by **October 20, 2001, referencing all documents with the corresponding Notice number.** If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact me at 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"
Copy of Claim A29-12137

A29-12137

9:10 AM 8/29/01.

Nov, 19, 1992 - Purchased the Hatch place. Bankruptcy sale.

gone to sprinkler

Ed Kelly - homesteaded - (father).

Call. W.L. Hatch for an apt. to see the property. 648-7758.

Alan would like to transfer the water to his other property. He has a farm that was adjacent to the Hatch property. It was owned by his father.

Alan was unaware that the decreed right 29-128 was for only 20 acres.

10/15/01 Evidence of recharge needed W.L. Hatch will work on getting the evidence.

11/7/02 recommend stockwater only on this right. Can't have g.w. recharge, must have a special license for that and you have to be an organization, individuals can't do recharge.

APR 14 1934

Aug 5 1993

CEP/11/10

MAR 07 1992

1661 E. 0 150

Town Records
 Assessor's Records
 Watermaster Records
 NAPP Photos
 Field Exam
 Other (See Remarks)
 County Records
 Witness Statement
 Project Records
 IDWR Records

DATA ENTRY
ENTERED
CHECKED
86-12-8
8/2/82

26643 Ad

$$[C(L)] = [C(T)] = 200 \text{ mg g}^{-1} =$$

1. $\mathcal{A} \subseteq \mathcal{B} \subseteq \mathcal{C} \subseteq \mathcal{D} \subseteq \mathcal{E} \subseteq \mathcal{F} \subseteq \mathcal{G} \subseteq \mathcal{H} \subseteq \mathcal{I} \subseteq \mathcal{J} \subseteq \mathcal{K} \subseteq \mathcal{L} \subseteq \mathcal{M} \subseteq \mathcal{N} \subseteq \mathcal{O} \subseteq \mathcal{P} \subseteq \mathcal{Q} \subseteq \mathcal{R} \subseteq \mathcal{S} \subseteq \mathcal{T} \subseteq \mathcal{U} \subseteq \mathcal{V} \subseteq \mathcal{W} \subseteq \mathcal{X} \subseteq \mathcal{Y} \subseteq \mathcal{Z}$

ISBN 0-217-56273-5

67471-10 416-100017

7 7 7 STATUS 7 7 7 7

doi:10.1371/journal.pone.0141121.g002

CONCLUSIONS

ST-1000-1301X CCLAM 25 NO. 7103M 5700-25

DEFLECTION VALUE

DEVEKSIÖN VOLYUMU

2.057
2.060

* = TOTAL COMBUNITIVE USE = + + = AM USAGE = +

$$v \cdot v = 0$$

102

APPENDIX

11

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

(24) 0521-00

$$\text{H}_2\text{O} + \text{H}_2\text{O} \rightarrow \text{H}_3\text{O}^+ + \text{OH}^-$$

AND G. J. HARRIS, JR. FALMOUTH, ME.

[illegible]600 *Journal of Interpersonal Violence* 25(3)

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: A29-12137
Date Received: 6/25/1990
Receipt No: 8014897
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALAN SMITH 208-648-7775
Address: BANCROFT, ID 83217
OR
Name: ADA K. SMITH 208-648-7775
Address: BANCROFT, ID 83217

A2912137

2. Date of Priority: JUN 18, 1902
3. Source: KING CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	38E	14	SW	SW			CARIBOU

5. Description of diverting works:
HEADGATE/ DITCHES TO FLOOD IRR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	09/15	04/15	0.050		
GROUNDWATER RECHARGE	09/15	04/15	2.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 175 CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	38E	23	NE	SE		STOCK	
			NW	SE		STOCK	
		24	NW	SW		STOCK	

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:

3.2 CFS TOPONCE CREEK, 29-00128

2000 shares = 200 Acres.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

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): Alan Smith Date: 6-25-90

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 25 day
of June 19 90

Alan Smith
Notary Public

Seal

Residing at Heise, Id

My Commission Expires 2/26/96