

IDAHO DEPARTMENT OF WATER RESOURCES 11/27/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: MARJORIE E SMITH
8625 W POCA TELLO CREEK RD
POCA TELLO ID 83201

SOURCE: NORTH FORK POCA TELLO CREEK TRIBUTARY: POCA TELLO CREEK

QUANTITY: 0.01 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-13256 FOR IRRIGATION PURPOSES IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.03 CFS.

USE OF THIS RIGHT WITH RIGHT NO. 29-13255 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.01 CFS.

PRIORITY DATE: 06/01/1887

POINT OF DIVERSION:

T06S R35E S20 NESE NW 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	0.010 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T06S R35E S20	NENW	0.3	T06S R35E S20	SE NW	0.7
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1 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-13256 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1.0 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

EXPLANATORY MATERIAL: Decreed

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



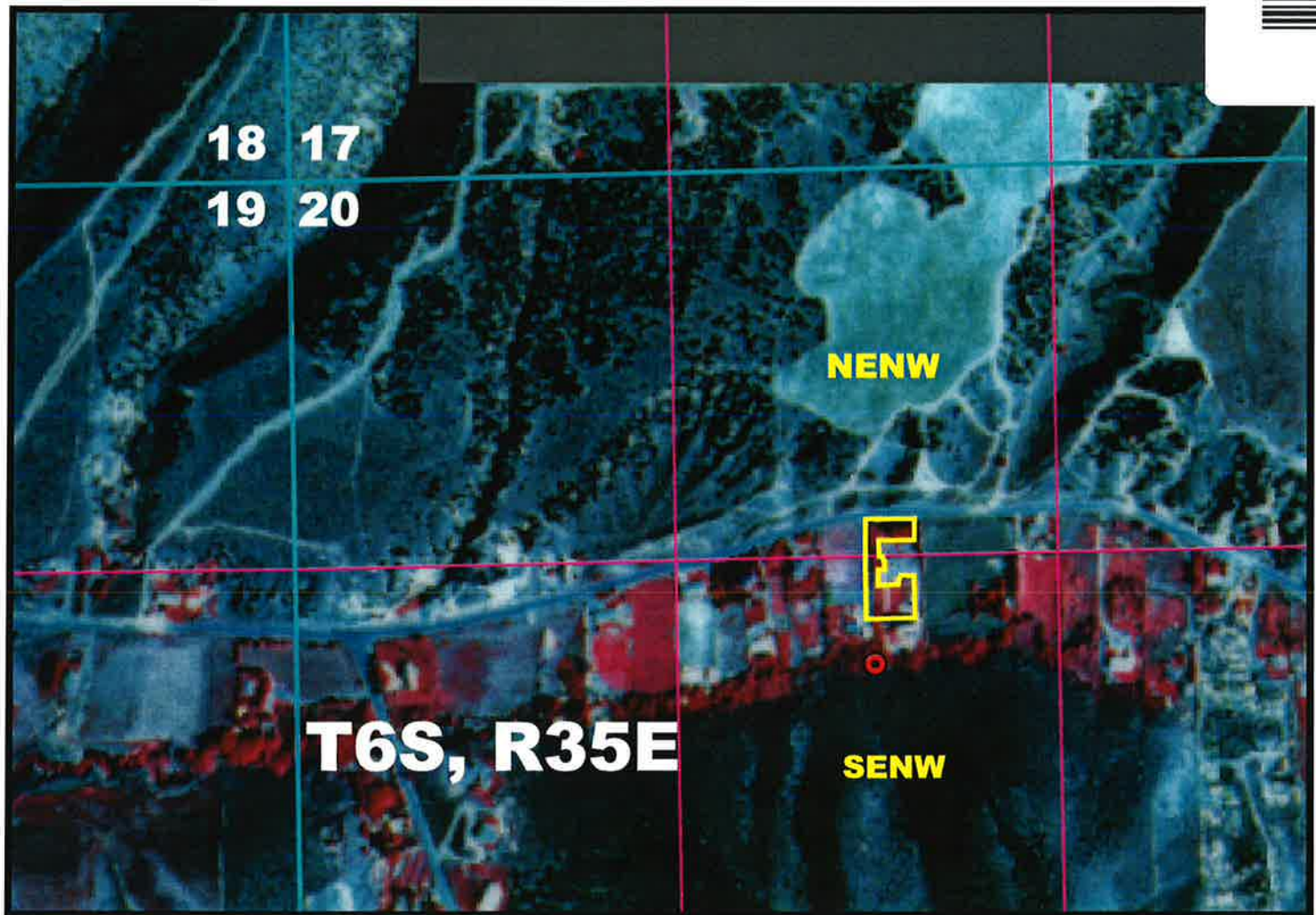
STATE OF IDAHO

Department of Water Resources
Eastern Region

A2913254



Water Right(s): 29-13254



1320 0 1320 Feet

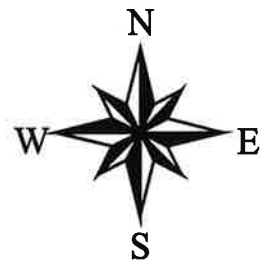
Total Irrigated Acres: 1.0

● Point(s) of Diversion

□ Place of Use

□ Quarter Quarter Lines

□ Section Lines



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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13254 V1

WATER RIGHT NUMBER: 29-13254 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARJORIE E SMITH 8625 W POCATELLO CREEK RD POCATELLO, ID 83201 (208)233-4513

Priority Date: 06/01/1887

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
NORTH FORK POCATELLO CREEK	POCATELLO CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.010 CFS	
	<u>Total Diversion:</u>	0.010 CFS	

Location of Point(s) of Diversion

NORTH FORK POCATELLO CREEK	NE1/4SE1/4NW1/4	Sec. 20, Twp 06S, Rge 35E, B.M.
BANNOCK County		

Place of UseIRRIGATION Within BANNOCK County

T06S R35E S20	NENW	0.3	T06S R35E S20	SENW	0.7
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Total Acres: 1

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

1. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 29-13256 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1.0 ACRES IN A SINGLE IRRIGATION SEASON.
2. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. Quantity USE OF THIS RIGHT WITH RIGHT NO. 29-13256 FOR IRRIGATION PURPOSES IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.03 CFS.
4. Quantity USE OF THIS RIGHT WITH RIGHT NO. 29-13255 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.01 CFS.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-13254 V1

Comments:

1. csaxton 11/27/2001 Source

Comment: Source decreed as "the waters of Pocatello Creek". USGS defines source as the North Fork of Pocatello creek.

2. csaxton 11/27/2001 Diversion Rate

Comment: Originally the acreage now under claims 29-13254 and 29-13255 was deeded 1/2 inch. Recommended both rights not to exceed 1/2 inch between the two of them in combination.

3. csaxton 11/27/2001 Contacts

Comment: Affidavit from Marjorie Smith signed March 22, 1995 states that her husband Melvin Smith passed on Feb 24, 1985. Based on this affidavit I removed Melvin from the ownership list.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	11/27/2001 10:23:25 AM	csaxton			Active
POD	11/27/2001 10:24:24 AM	csaxton			Active
Source	11/27/2001 10:29:58 AM	csaxton			Active
POU	11/27/2001 10:34:04 AM	csaxton			Active
Use	11/27/2001 10:36:00 AM	csaxton			Active
Season	11/27/2001 10:36:43 AM	csaxton			Active
Quantity	11/27/2001 10:40:09 AM	csaxton			Active
Summary	11/27/2001 11:58:32 AM	csaxton	11/27/2001 11:58:32 AM	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13254 V1

Summary	11/27/2001 11:58:33 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
Contacts	11/27/2001 10:00:30 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field Exam 10/2/01
Priority Date	11/27/2001 10:23:27 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	11/27/2001 10:24:26 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the parent right have a POD? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 8. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required? Description for Question 6 - Location of old POD not spoken about in decree, however from field investigation it was located in NWNW Section 20, T6S, R35E
POD	11/27/2001 10:26:24 AM	csaxton	Edited point location
POD	11/27/2001 10:26:59 AM	csaxton	Edited PLS
Source	11/27/2001 10:30:00 AM	csaxton	(Yes) 1. Is the basis of claim decree or license? (Yes) 4. Does the parent right have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13254 V1

POU	11/27/2001 10:34:06 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the parent right have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (Yes) 14. Is a POU remark and/or condition required?
POU	11/27/2001 10:34:24 AM	csaxton	Edited shape boundary
POU	11/27/2001 10:34:40 AM	csaxton	Edited PLS
Use	11/27/2001 10:36:02 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the parent right have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	11/27/2001 10:36:45 AM	csaxton	(Yes) 1. Is the basis of claim decree or license? (No) 4. Does the parent right have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POD	11/27/2001 10:40:10 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the parent right have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?

29-13254

Split history for Decreed Right 29-00443

Claimed		Recommend	
A	Firkins		
	0.1 5	0.01 1.3	*
B	Fritch		
	0.02 10	0.02 1.8	*
C	Stocking		
	0.05 2.5	0.01 1.1	*
D	Anderson, D	29-13265 (And -D)	0.77 40.5 0.1 5.2
		0.83 43.6	
	Anderson, T	29-13266 (And-N)	0.06 3.1 0.6 3.1
		1 52.5	
E	Johnson		
	0.01 2	0.01 1.7	*
F	Dixon		
	0.2 7	0.02 2.6	*
G	Anderson, E		
	0.2 2	0.03 1.6	*
H	Packer (split)	29-13136 (Packer)	0.05 1 0.03 1.3
		0.08 4	
	29-13137 (Hurley)	0.03 2	0.01 1
I	Paul		
	0.04	0.03	*

Deed

Deeded 1/2 in	Agreed
Deeded 1in per 10 ac	Disagreed but not changing
Deeded 1/2 in	No NOE received
	No NOE Received
	No NOE Received
	No NOE Received
Deeded 1/2 in	Agreed
Need c/o No Deeds Assume 1/2 in per 5 acre plot	No NOE Received
Accomplished Change in POU	No NOE Received
2/3 of 2 inch	No NOE Received
1/3 of 1 inch	No NOE Received
Deed from Tanny-Anderson No 1/2 inch requirement	No NOE Received

	2	1
	29-13254 (Smith)	
J	Smith (split)	0.005 1
	0.01	0.005 0.8
	2	29-13255 (Foltz)
		0.005 1
		0.005 0.7
K	Morris	
	0.01	0.01
	1.5	0.6
L	Finkeinburg	
	0.01	0.01
	1	1
M	Griggs	
	0.09	0.01
	3	1.5
N	Travis	
	1	0.16
	30	10.6
29-10783	Lawlor	
	0.12	0
	6	0
29-13270	Pharris	Renumbered from 29-00444A
	0.06	0.02
	2	2
29-12232	Taysom	
	0.02	0.02
	1.5	1.3

Deeded 1/2 to parent No NOE Received

Deeded 1/2 to parent No NOE Received

No deed received No NOE Received

Silent to WR

Silent to WR

8 in deeded No NOE Received

Disallow No NOE Received

0.1 If Recommended
3.5

no deed provided

Silent to WR

Sum CFS= 1.33
Sum Acre= 49.6

Un-accounted for CFS= 0.27
Un-accounted for Acres= 6.4

Estimated Decreed Acreage = 56 ac
Remaining Diversion Rate For Decreed POU = 1.6

443A - Deed Nov 10, 1969 Lathrop, Willard - Helena

↓
James. Perkins
1/2 in
20. SW NE

443B: 1944 Tanny → Anderson, Harry 1.6 cfs

1952 Anderson, Harry → Eliza Smith 1 in - 10 acres, 1887

(?) Fitch → Honycutt - same 10 acres 1/2 interest
Both Fitch and Honycutt own 1/2 interest of 10 acres

443C: ⑤ 1992 Sunshine, Doug → Sunshine, Rodger 1/2 in 1887

① 1989 Sunshine, Lyle → Sunshine, Doug 1/2 in 1887

③ 1992 Sunshine, Rodger → McMaster, Tim Silent to WR

④ 1995 McMaster, Tim → Maatee, Rodger
Collins, Ron Silent to WR

⑤ 1998 Maatee, Rodger → A.G. Stockins
Merzlock, John

443E: 1971 Anderson → Johnson, Frank 1/2 in (part of Dwaens)

443H: 1991 Beck → Paetzer Deadlock 2 inches in
Francis' Deed

443I: 1944 Tanny → Anderson, Harry 1.6 cfs

443J: 1955 Thompson, Marvin → Smith 1/2 in 1887

443K: Nothing

443L: 1994 Clawson, Ethel → Finkolnburg Silent to WR

443M: Griggs called and said Dead Silent to WR
Fall in Dwaens 0.64 cfs

443N: Paetzer, Newell → Frayes 8 in

29-10783: Nothing

29-00444: Nothing

29-12232:

22-141 50 SHEETS
22-142 100 SHEETS
22-144 200 SHEETS



D) Finkins
0.10 cfs
5 ac

E) Fritch
0.02 cfs
10 ac

F) Stocking
0.05
2.5

G) Stacey
1.0 cfs
52.5 ac

H) Johnson
0.01
2 ac

I) Dixon
0.02 cfs
7.0 ac

J) Anderson
0.20 cfs
2.0 ac

K) Packer
0.08
4 ac

L) Paul
0.04 cfs
2.0 ac

M) Smith
0.01
2 ac

N) Morris
0.01
1.5 ac

O) Finkelburg
0.01
1 ac

P) Griggs
0.09 cfs
3 ac

Q) Travis
1 cfs
30 ac

29-12783 (Lawlor)
0.12
6 ac

29-00444A
0.06
2 ac

29-12232
0.01

P) Anderson, D
0.83 cfs
43.6 ac

Q) Anderson, T
0.17 cfs
8.9 ac

29-13136 (Packer)
0.06 cfs
2 ac

29-13137 (Hurley)
0.03 cfs
2 ac

29-13254 (Smith)
0.005
1 ac

29-13255 (Folte)
0.005
1 ac

A)
0.01
1.3

B)
0.08
1 ac

C)
0.01
1.10

Should Be 29-00446

Should Be 29-00446

E)
0.01 cfs
1.7 ac

F)
0.02
2.6 ac

Should Be 29-00446

Packer
0.08
1.3 ac

Hurley
0.01
1.0

I)
0.02
1 ac

29-13254
0.005
0.8 ac

29-13255
0.005
0.7

K)
0.01
0.6 ac

L)
0.01 cfs
1 ac

M)
0.02
3 ac

N)
0.16 cfs
10.4 ac

Lawlor
0.02
3.5 ac

Pharris
0.02
2 ac

Tayson
0.02

- Decided 1/2 in

- Decd From Tunny - Anderson
1 in

- Decided 1/2 in

✓

✓

- Decided 1/2 in

- No longer owned

✓

✓ 2 inches

- Gets 1/3 of Policy with

✓ Decd From Tunny - Anderson

- Decided 1/2

- Decided 1/2

✓

- Decd Silent to WR

- Decd Silent to WR

- Decd For 8 in

-

- No Decd Provided

- Letter sent

443A - Deed Nov 10, 1969 Lathrom, Willard & Helena

↓
James. Firkins
1/2 in
20. SW NE

443B: 1944 Tanny → Anderson, Harry 1.6 cfs

1958 Anderson, Harry → Eliza Smith 1 in - 10 acres, 1887

(?) Firk → Honycutt - same 10 acres 1/2 interest
Both Firk and Honycutt own 1/2 interest of 10 acres

443C: ⑤ 1990 Sumstine, Doug → Sumstine, Rodger 1/2 in 1887

① 1989 Sumstine, Lyle → Sumstine, Doug 1/2 in 1887

③ 1992 Sumstine, Rodger → McMaster, Tim silent to WR

④ 1995 McMaster, Tim → McAtee, Rodger
Collins, Roy silent to WR

⑥ 1997 McAtee, Rodger → A.G. Stockins
Merzlock, John

443E: 1971 Anderson → Johnson, Frank 1/2 in (part of Dwaine)

443H: 1991 Beck → Packer Deeded 2 inches in
Travis' Deed

443J: 1944 Tanny → Anderson, Harry 6.6 cfs

443J: 1955 Thompson, Marvin → Smith 1/2 inch 1887

443K: Nothing

443L: 1994 Clawson, Ethel → Finkelburg silent to WR

443M: Griggs called and said dead silent to WR
Falls in Dwains 0.64 cfs

443N: Packer, Newell → Travis 8 in

29-10783: Nothing

29-00444A: Nothing

29-12732:

29-13254 & 29-13255 POU Field Exam 10/02/01



Looking South. Picture shows intake point from the North Fork of Pocatello creek. POU and Pumps behind me in picture (csaxton 11/27/01).

29-13254 & 29-13255 POU

Field Exam 10/02/01



Looking West inside shed. Two pumps. Note that there are two pumps in the same place, but two different points of diversion. Tom put his pump in place in 1998 so a transfer needs to be filed.

Tom's pump information:

Magnetek

8-177822-01

HP: 2

SN: BN4-264

Black ABS discharge pipe

Marjorie's Pump information:

Wayne

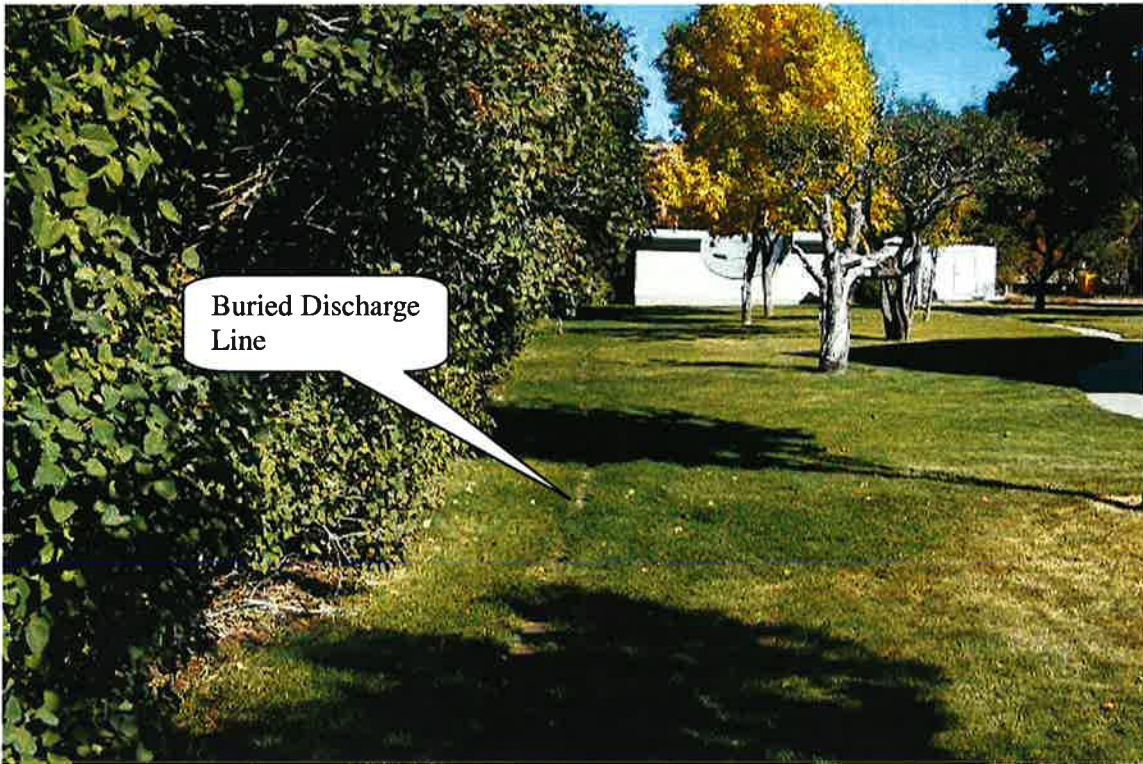
HP: 2

SN: 3982

White PVC discharge pipe.

(csaxton 11/27/01).

29-13254 & 29-13255 POU Field Exam 10/02/01



Looking North. This shows the irrigated land to the west of Tom's home. Marjorie's property is in the background of the picture (csaxton 11/27/01).

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Locator



Other Imagery:

[USGS Topo Map](#)[01 Jul 1980](#)

HomeAdvisor Links:

[Homes for sale in 83201](#)[Homes for sale in 83204](#)[Schools, Crime and](#)[Demographics for 83201](#)[Schools, Crime and](#)[Demographics for 83204](#)

Encarta Articles:

[Pocatello](#)**Pocatello, Idaho, United States** 07 Jun**Zoom****1m**



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 25, 2001

MELVIN D & MARJORIE E SMITH
8625 W POCATELLO CREEK RD
POCATELLO ID 83201

RE: CHANGE IN OWNERSHIP FOR A29-00443J AND A29-04284.

Dear Mr. & Mrs. Smith:

The request for Change in Ownership for a portion of the above referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

29-13254: 0.01 CFS, 1 ACRE, SMITH
29-13255: 0.01 CFS, 1 ACRE, FOLTZ

29-13256: 0.02 CFS, 1 ACRE, SMITH
29-13257: 0.02 CFS, 1 ACRE, FOLTZ

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

Enclosure(s)

5/18/01
65-06-Done
RECEIVED
MAY 18 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

Department of Water Resources
Eastern Region

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
29-443J	29-443J	___	___	___	___
29-4284	29-4284	___	___	___	___
___	___	___	___	___	___
___	___	___	___	___	___
___	___	___	___	___	___

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) SMITH, MELVIN D
8627 W POCATELLO CREEK RD POCATELLO, ID 83201
4. New Owner/Claimant(s) FOLTZ, TOM F
Name Connector (Check one): [] and, [] or, [] and/or (NONE)
- New Mailing Address SAME AS ABOVE.
- City, State and ZIP Code SAME.
- New Telephone Number (208) 232-0790
5. Date you acquired the property 10/9/98

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-13254
Date Received: 10/25/2001
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MELVIN D SMITH Phone: (208)232-5926

8627 W POCATELLO CREEK RD
POCATELLO ID USA 83201

MARJORIE E SMITH Phone: (208)233-4513

8625 W POCATELLO CREEK RD
POCATELLO ID USA 83201

2. Date of Priority: 06/01/1887

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	35E	20	NE SE NW	BANNOCK	

5. Description of diverting works:

PUMP TO PIPE AND SPRINKLER SYSTEM AND FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	11/15	0.01	

7. Total Quantity Appropriated is:

0.01 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	35E	20	SE	NW	IRRIGATION	1
					Section Acres	1
					Total Acres	1

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-00443J.

USE OF THIS RIGHT WITH RIGHT NO. 29-13255 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.01 CFS.

15. Basis of Claim: Decreed

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.