

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: GROUND WATER

TRIBUTARY:

QUANTITY: 0.06 CFS
4.6 AFY

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

USE OF THIS RIGHT WITH RIGHT NO. 29-13254 FOR IRRIGATION PURPOSES IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.03 CFS.

PRIORITY DATE: 08/25/1955

POINT OF DIVERSION:

T06S R35E S20 NESENW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS 0.60 AFY
IRRIGATION	04/01 10/31	0.020 CFS 4.00 AFY

PLACE OF USE:

IRRIGATION Within BANNOCK County

T06S R35E S20 NENW 0.3 T06S R35E S20 SENW 0.7

DOMESTIC same as IRRIGATION

1 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-13254 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1 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. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use



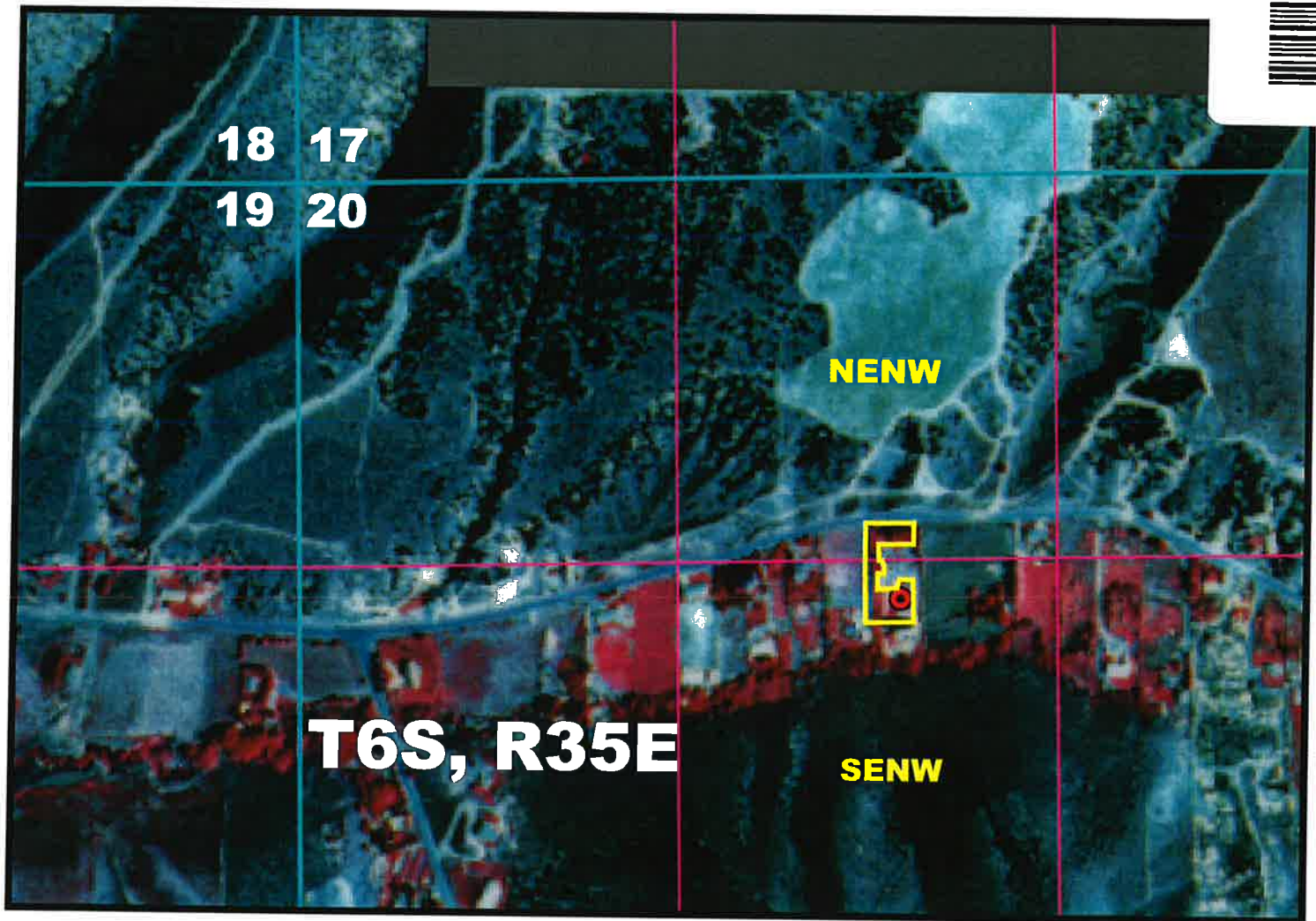
STATE OF IDAHO

Department of Water Resources
Eastern Region

A2913256



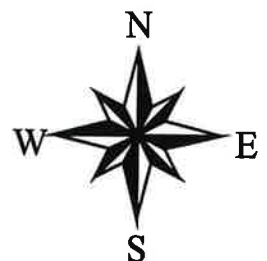
Water Right(s): 29-13256



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 29-13256 V1

WATER RIGHT NUMBER: 29-13256 V1

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

Priority Date: 08/25/1955

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>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.040 CFS	0.60 AF
IRRIGATION	04/01 to 10/31	0.020 CFS	4.00 AF
	<u>Total Diversion:</u>	0.060 CFS	4.60 AF

Location of Point(s) of Diversion

GROUND WATER	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

Total Acres: 1

DOMESTIC same as IRRIGATIONConditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. N10 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N12 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 29-13254 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1 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. 29-13254 FOR IRRIGATION PURPOSES IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.03 CFS.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-13256 V1

Comments:

1. csaxton 11/27/2001 Contacts

Comment: Affidavite from Marjorie Smith signed March 22, 1995 states that her husband Melvin Smigh 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 12:47:55 PM	csaxton			Active
POD	11/27/2001 12:48:39 PM	csaxton			Active
Source	11/27/2001 12:51:09 PM	csaxton			Active
POU	11/27/2001 12:53:33 PM	csaxton			Active
Use	11/27/2001 12:54:48 PM	csaxton			Active
Season	11/27/2001 12:55:25 PM	csaxton			Active
Quantity	11/27/2001 1:08:50 PM	csaxton			Active
Summary	11/27/2001 1:17:36 PM	csaxton	11/27/2001 1:17:36 PM	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	11/27/2001 12:53:51 PM	csaxton	Edited shape boundary
Contacts	11/27/2001 12:46:11 PM	csaxton	(No) 1. Do you want to schedule an appointment?
			Comment for 1: Field Exam 10/2/01

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13256 V1

Priority Date	11/27/2001 12:47:56 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Receipt from well driller dated August 25, 1955
POD	11/27/2001 12:48:39 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (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 8 - Field Exam 10/2/01
POD	11/27/2001 12:49:43 PM	csaxton	Edited point location
POD	11/27/2001 12:50:07 PM	csaxton	Edited PLS
Source	11/27/2001 12:51:10 PM	csaxton	(No) 1. Is the basis of claim decree or license? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Field Exam 10/2/01
POU	11/27/2001 12:53:34 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 13 - Field Exam 10/2/01 and NAPP photography.
POU	11/27/2001 12:54:06 PM	csaxton	Edited PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13256 V1

Use	11/27/2001 12:54:49 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Field Exam 10/2/01
Season	11/27/2001 12:55:26 PM	csaxton	(No) 1. Is the basis of claim decree or license? (No) 2. Is the basis of claim a Application or Permit? (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 1:08:51 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - Per David Tuthill, claims less than 0.20 cfs do not require measurement. Description for Question 10 - IDWR standard of 4.0af/acre
Summary	11/27/2001 1:17:37 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (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?

02/18/2003

NOTICE OF ERROR
REPLY

RECEIVED

APR 21 2003

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
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: 29-13256

MARJORIE E SMITH
8625 W POCA TELLO CREEK RD
POCA TELLO ID 83201
Telephone Number: (208)233-4513

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: 4-7-03

SIGNATURE:

Marjorie Smith

Please print your name:

MARJORIE SMITH

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

Just want to tell you I have not had any
domestic water for some time. I drilled a second
well when my dried up and it was no good
My only means of keeping 48 years of
work alive, is the creek.

Thank you

RECEIVED

APR 24 2003

Department of Water Resources
Eastern Region



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29

Claim # 305964

POD ID 205002

Claim Type S

Easting 631523

Northing 199788

GPSID A0011673

Div. Capacity (CFS)

Quad Pocatello North

Linked Photos

Invoice #

2000-037-01-02

Phase

Phase-IV (Total Complete)

Township Range Section

Diversions Description

Submersible pump. Pump has been dry for a couple of years.

Pumped System ☒

Pump Sys Efficiency assumed

Motor Size (HP)

Pressure at Pump

Depth from Centerline of Pump to Surface

Motor Serial #

Pump Type

Pump Manufact

Hours on Meter

KW hrs used

Measuring EQ.

Pump Serial#

Maximum Calculated flowrate (CFS)

Open Channel Flow ☐

Cross Section Area ft²

Mannings N

Hydraulic Radius ft

Slope

Maximum calculated flowrate (CFS)

New Contact Information ☐

New First Name

New Last Name

New Phone#

New FAX#

New Street

New City-St-Zip

New Country

New Contact Comments

Prepared By: Intrepid Engineering Services, Inc.



INTREPID

Engineering Services, Inc. (IES)

Enabling People and Solutions

[MSN Home](#)[Hotmail](#)[Web Search](#)[Shopping](#)[Money](#)[People & Chat](#)[Co](#)

Use your home

CO**HomeAdvisor™**[Home Page](#)[Free Newsletter](#)[Help](#)[Search](#)[Buy](#)[Finance](#)[Sell](#)[Rent](#)[Move](#)[Garden](#)[Food](#)[Decorate](#)**TerraServer****Image Info****Find****go****Image Size:** Small Medium Large**Advanced Find****Style:** Relief Topo Image

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 29-13256
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)

MARJORIE E SMITH Phone: (208)233-4513

8625 W POCATELLO CREEK RD
POCATELLO ID USA 83201

MELVIN D SMITH Phone: (208)232-5926

8627 W POCATELLO CREEK RD
POCATELLO ID USA 83201

2. Date of Priority: 07/01/1955

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:

WELL, PUMP & LINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.02	
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.06 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 29-04284.

WHEN 29-04284 WAS ORIGINALLY SPLIT BY C/O, DOMESTIC USE WAS SPLIT TOO.
DOMESTIC USE SHOULD NOT HAVE BEEN SPLIT SINCE THERE IS NO EVIDENCE THAT THERE WERE
TWO HOMES IN 1955. CLAIM AMENDED SO DOMESTIC USE IS FOR ORIGINAL CLAIMANT ONLY.

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

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 29-13256
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)

MARJORIE E SMITH Phone: (208)233-4513

8625 W POCATELLO CREEK RD
POCATELLO ID USA 83201

MELVIN D SMITH Phone: (208)232-5926

8627 W POCATELLO CREEK RD
POCATELLO ID USA 83201

2. Date of Priority: 07/01/1955

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:

WELL, PUMP & LINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.02	
DOMESTIC	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.04 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 29-04284.

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.