

03/26/2003

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

**RIGHT NUMBER: 29-13408**

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

ADA K SMITH  
2620 KELLY TOPONCE RD  
BANCROFT ID 83217

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.840 CFS  
511.000 AFY

USE OF THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED  
DIVERSION RATE OF 2.84 CFS. COMBINED RIGHT NOS.: 29-2524 AND  
29-13408.

USE OF THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED  
ANNUAL DIVERSION VOLUME OF 967 AF. COMBINED RIGHT NOS.: 29-2524  
AND 29-13408.

PRIORITY DATE: 04/01/1974

POINT OF DIVERSION:

T07S R38E S24 SWSWNE Within CARIBOU County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|-----------------------|----------------------|-------------------------|
| IRRIGATION            | 04/01 10/31          | 2.840 CFS<br>511.00 AFY |

PLACE OF USE: IRRIGATION Within CARIBOU County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T07S R38E S23 | SWNE | 32.0 | T07S R38E S23 | SENE | 40.0 |
| T07S R38E S23 | NESE | 40.0 | T07S R38E S23 | NWSE | 32.0 |
| T07S R38E S24 | SWNW | 40.0 | T07S R38E S24 | SENW | 40.0 |
| T07S R38E S24 | NESW | 34.0 | T07S R38E S24 | NWSW | 39.0 |

297 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A  
COMBINED TOTAL OF 297 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 29-2524, 29-127, 29-128 AND 29-13408.

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.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 29-2524  
PURSUANT TO SECTION 42-1426, IDAHO CODE.

03/26/2003

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

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EXPLANATORY MATERIAL: Beneficial Use

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

RIGHT NOS. 29-2430A AND 29-2524 ARE ALSO DIVERTED THROUGH  
POINT OF DIVERSION DESCRIBED ABOVE.

THIS RIGHT IS FOR AN ENLARGEMENT OF 145 ACRES WITHIN THE PLACE  
OF USE DESCRIBED FOR THIS RIGHT.

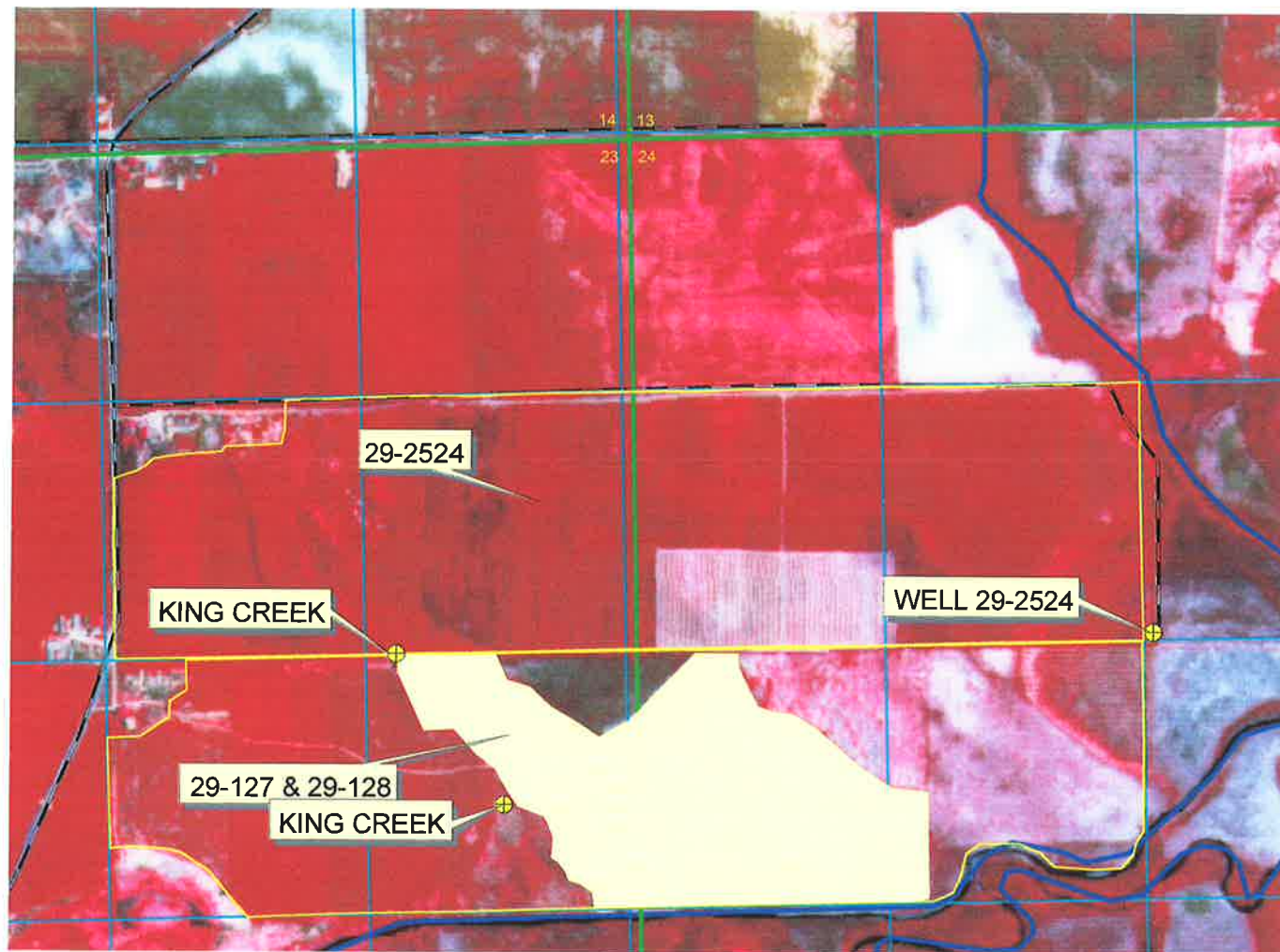


# STATE OF IDAHO

Department of Water Resources

Eastern Region

**Water Rights: 29-127, 29-128,  
29-2524 and 29-13408.**



0.2      0      0.2      0.4 Miles

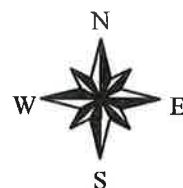
IRRIGATED ACRES ~~296~~  
**297**

## LEGEND

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

Place of Use: T7S, R38E,  
(part of) Sections 23 & 24

Point of Diversion: T7S, R38E,  
Sec. 24 SESENW



GIS Place of Use Illustration  
1987/88 NAPP PHOTOGRAPHY  
Prepared by C. Bird  
Date: MARCH 2003

**PUBLIC NOTICE**

**First Time Published**

**NOTICE OF  
ENLARGEMENT OF  
WATER RIGHT**

The following claims to water rights have been filed in the Snake River Basin Adjudication as enlargements to existing water rights under Idaho Code §42-1426. Note that the places of use in Caribou County are shown to the nearest section--more specific locations are available upon request.

Water Right 29-10065

NAME & ADDRESS: NORMAN W. & WANDA J. FRANK,  
835 West 100 South, Blackfoot, ID 83221

SOURCE: PORTNEUF RIVER  
TRIBUTARY: SNAKE RIVER  
PRIORITY DATE: 04/01/1974  
POINT OF DIVERSION: T06S,  
R39E, S19, SWSW

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T06S, R39E,  
S29, SWNW, NWSW, S30, SENE,  
NESE

This right is for an enlargement of 56.0 acres within the total 133.0 acres recommended.

Water Right: 29-10171

NAME & ADDRESS: DON C & VIRGINIA E. RIGBY, P.O. BOX 187, BANCROFT, ID 83217

SOURCE: GROUNDWATER  
PRIORITY DATE: 04-01-1987  
POINT OF DIVERSION: T08S,  
R40E, S16, SENWSE, S21,  
NENESE

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T08S, R40E,  
S27, SWNW, NWSW, SWSW,  
S28, NENE, SENE, NESE, SESE

This right is for an enlargement of 280.0 acres within the total 280.0 acres recommended.

Water Right: 29-10176

NAME & ADDRESS: DEAN SMITH, 826 WOOD ROAD, BANCROFT, ID 83217

SOURCE: GROUNDWATER  
PRIORITY DATE: 04-01-1987  
POINT OF DIVERSION: T07S,  
R39E, S09, SESWSW

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T07S, R39E,  
S09, SWNE, SENE, SENW

This right is for an enlargement of 100.0 acres within the total 100.0 acres recommended.

Water Right: 29-10247

NAME & ADDRESS: MAX D. & BONNIE K. RIGBY, P.O. BOX 12, BANCROFT, ID 83217

SOURCE: GROUNDWATER  
PRIORITY DATE: 04-01-1987  
POINT OF DIVERSION:  
T08S, R39E, 16, SENESW

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T08S, R39E,  
16, NWNW, SWNW, SENW,  
NESW, NWSW

This right is for an enlargement of 12.0 acres within the total 107.0 acres recommended.

Water Right: 29-10310

NAME & ADDRESS: JON L. JONSSON, 2040 IVINS ROAD, BANCROFT, ID 83217

SOURCE: TEN MILE SPRING  
TRIBUTARY: SINKS  
PRIORITY DATE: 04/01/1980  
POINT OF DIVERSION: T08S,  
R40E, S22

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T08S, R40E,  
S22, NESW, NWSW, SWSW,  
SESW, NWSE, SWSE

This right is for an enlargement of 200.0 acres within the total 240.0 acres recommended.

**Affidavit of  
Publication**

County of Caribou } ss.  
State of Idaho }

Mark Steele

being first duly sworn on his oath, states:

That he is publisher of the Caribou County Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement;

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for

two

successive weekly issues thereof, the date of the first publication being the

18th day of

December, 2003

The date of the last publication

being the 25th day of

December, 2003

On this 30th day of December

in the year of 2003, before me, a Notary Public, personally appeared

*[Signature]*

known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

*[Signature]*

Notary Public for Idaho  
Residing at Soda Springs, Idaho  
My commission expires:

March 11, 2006



Water Right: 29-13396

NAME & ADDRESS:  
WILLIAM JEAN & MARY  
ARLENE TREASURE, 2888  
CHESTERFIELD ROAD, BANCROFT, ID 83217

SOURCE: TWENTY FOUR  
MILE CREEK

TRIBUTARY: PORTNEUF  
RIVER

PRIORITY DATE: 04/15/1975

POINT OF DIVERSION:  
T06S, R39E, S33, NWNWSE

PURPOSE OF USE: IRRIGA-  
TION

PLACE OF USE: T06S, R39E,  
S33, NWNW, SWNW, NESW,  
NWSW, SESW

This right is for an enlargement  
of 91.0 acres within the total 131.0  
acres recommended.

Water Right: 29-13408

NAME & ADDRESS: ALAN  
& ADA K. SMITH, 2620 KELLY  
TOPONCE ROAD, BANCROFT,  
ID 83217

SOURCE: GROUNDWATER

PRIORITY DATE: 04/01/1974

POINT OF DIVERSION: T07S,  
R38E, S24, SWSWNE

PURPOSE OF USE: IRRIGA-  
TION

PLACE OF USE: T07S, R38E,  
S23, SWNE, SENE, NESE,  
NWSE, S24, SWNW, SENW,  
NESW, NWSW

This right is for an enlargement  
of 145.0 acres within the total  
297.0 acres recommended.

Water Right: 29-13421

NAME & ADDRESS: STOD-  
DARD FARMS OF GRACE, 2004  
TWO MILE ROAD, GRACE, ID  
83241

SOURCE: GROUNDWATER

PRIORITY DATE: 04/01/1987

POINT OF DIVERSION: T09S,  
R39E, S14, NENE

PURPOSE OF USE: IRRIGA-  
TION

PLACE OF USE: T09S, R39E,  
S11, NENW, NWNW, SWNW,  
SESW, SWSW, SESE, SWSE,  
SESE, S14, NENE, NWNE,  
NENW, NWNW

This right is for an enlargement  
of 23.0 acres within the total 330.0  
acres recommended.

Water Right: 29-13428

NAME & ADDRESS: CRAN-  
DALL FARMS, INC., 2919  
HANSEN ROAD, BANCROFT,  
ID 83217

SOURCE: TWENTY FOUR  
MILE CREEK

TRIBUTARY: PORTNEUF  
RIVER

PRIORITY DATE: 04/01/1987

POINT OF DIVERSION:  
T06S, R39E, S33, SWSW, T07S,  
R39E, S04, LOT 4(SWNW), S05,  
SESWE, S08, NESWNE

PURPOSE OF USE: IRRIGA-  
TION

PLACE OF USE: T06S, R39E,  
S33, SWSW, T07S, R39E, S03,  
NWSW, S04, LOT 2(SWNE), LOT  
2(SENE), LOT 3(SENW), NESW,  
NWSW, NESE, NWSE, S05,  
NESE, NWSE, SWSE, S08,  
NWNE, SWNE, NENW, SENW

This right is for an enlargement  
of 223.5 acres within the total  
572.0 acres recommended.

Water Right: 29-13429

NAME & ADDRESS: CRAN-  
DALL FARMS, INC., 2919  
HANSEN ROAD, BANCROFT,  
ID 83217

SOURCE: PORTNEUF RIVER

TRIBUTARY: SNAKE RIVER

PRIORITY DATE: 04/01/1974

POINT OF DIVERSION:  
T06S, R39E, S31, NWSE, T07S,  
R39E, S05, LOT 4(NWNW)

PURPOSE OF USE: IRRIGA-  
TION

PLACE OF USE: T06S, R39E,  
S31, NESE, NWSE, SWSE, SESE,  
S32, NWNE, SWNE, NWSE,

SWSE, NENW, NWNW, SWNW,  
SESW, NESW, NWSW, SWSW,  
SESW, S33, SWSW, T07S, R39E,  
S03, NWSW, S04, LOT 2(SWNE),  
LOT 1(SENE), LOT 4(SWNW),  
LOT 3(SENW), NESW, NWSW,  
NESE, NWSE, S05, LOT  
2(SWNE), LOT 1(SENE), LOT  
4(SWNW), LOT 3(SENW),  
NESW, NWSW, SWSW, SESW,  
NESE, NWSE, SWSE, S08,  
NENW, NWNW, SENW

This right is for an enlargement  
of 373.0 acres within the total  
1400.7 acres recommended.

Water Right: 29-13482

NAME & ADDRESS: WAYNE  
C. PERKINS, 13825 NORTH 7TH  
STREET, STE. M, PHOENIX, AZ  
85022

SOURCE: TOPONCE CREEK

TRIBUTARY: PORTNEUF  
RIVER

PRIORITY DATE: 04/15/1946

POINT OF DIVERSION:  
T06S, R38E, S33, SWSESE

PURPOSE OF USE: IRRIGA-  
TION

PLACE OF USE: T06S, R38E,  
S26, NESW, SESW

This right is for an enlargement  
of 9.0 acres within the total 60.0  
acres recommended.

Water Right: 29-13499

NAME & ADDRESS: C V  
CATTLE INC., 3124 NIPPER  
ROAD, BANCROFT, ID 83217

SOURCE: TOPONCE CREEK

TRIBUTARY: PORTNEUF  
RIVER

PRIORITY DATE: 04/01/1975

POINT OF DIVERSION:  
T06S, R38E, S33, SWSESE

PURPOSE OF USE: IRRIGA-  
TION

PLACE OF USE: T06S, R38E,  
S25, NWNW, SWNW, NESW,  
NWSW, SWSW, SESW, LOT  
19(NESE), NWSE, SWSE, LOT  
20(SESE), S26, NENE, SENE,  
NESE, SESE

This right is for an enlargement  
of 202.5 acres within the total  
437.5 acres recommended.

Water Right: 29-13532

NAME & ADDRESS: C V  
RANCHES, 3124 NIPPER ROAD,

BANCROFT, ID 83217

SOURCE: PORTNEUF RIVER  
TRIBUTARY: SNAKE RIVER  
PRIORITY DATE: 04/01/1975  
POINT OF DIVERSION: T06S,  
R39E, S30, LOT 2(NESWNW)  
PURPOSE OF USE: IRRIGA-  
TION

PLACE OF USE: T06S, R38E,  
S25, LOT 3(NESE), NWSE, LOT  
4(SESE), S36, LOT 1(NENE),  
LOT 2(SENE), R39E, S30, NESW,  
LOT 3(NWSW), LOT 4(SWSW),  
SESW, NWSE, SWSE, S31,  
NENE, NWNE, SWNE, SENE,  
NENW, LOT 1(NWNW), LOT  
2(SWNW), SENW, NESW, LOT  
3(NWSW), NESE, NWSE

This right is for an enlargement  
of 545.3 acres within the total  
759.7 acres recommended.

Water Right: 29-13556

NAME & ADDRESS: C V  
CATTLE, INC., 3124 NIPPER  
ROAD, BANCROFT, ID 83217  
SOURCE: TOPONCE CREEK  
TRIBUTARY: PORTNEUF  
RIVER

PRIORITY DATE: 04/01/1970  
POINT OF DIVERSION: T06S,  
R38E, S35, NWNESW, S36,  
SESW

PURPOSE OF USE: IRRIGA-  
TION

PLACE OF USE: T06S, R38E,  
S35, NESE, SESE, S36, NESW,  
NWSW, SWSW, SESW, SWSE,  
LOT 20(SESE)

This right is for an enlargement  
of 35.5 acres within the total 169.5  
acres recommended.

Water Right: 29-13621

NAME & ADDRESS: LARRY  
& LANA NAEF, 5513 EAST OLD  
OREGON TRAIL ROAD, LAVA  
HOT SPRINGS, ID 83246

SOURCE: WEST BOB SMITH  
CREEK

TRIBUTARY: PORTNEUF  
RIVER

PRIORITY DATE: 07/15/1976  
POINT OF DIVERSION: T09S,  
R37E, S15, SENENW, SESENW

PURPOSE OF USE: IRRIGA-  
TION

PLACE OF USE: T09S, R37E,  
S22, NENE, NENW

This right is for an enlargement  
of 2.0 acres within the total 6.2  
acres recommended.

The water rights will be subject  
to all prior water rights. Those  
asserting injury from the enlarge-  
ments may file petitions with the  
Director, Idaho Department of  
Water Resources, Eastern Region,  
900 North Skyline Drive, Ste. A,  
Idaho Falls, ID 83402-3653 on or  
before March 25, 2004.

Published Dec. 18 and 25, 2003  
in the Caribou County Sun.

RECEIVED

JAN 16 2004

Department of Water Resources

Cindy  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED *AM*

2004 JAN 15 PM 2 35

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

In Re SRBA

Case No. 39576

) SUBCASE: See Exhibit A  
)  
)  
)

ORDER SETTING OBJECTION &  
RESPONSE DEADLINE

On January 14, 2004, the Idaho Department of Water Resources filed an *Amended Director's Report* for water rights listed on attached Exhibit A, to include a subordination remark pertaining to enlargement claims. Notice of the filing of the *Amended Director's Report* was served on the claimants for the above captioned claims and shall appear on the docket sheet for January 2004, served on February 8, 2004.

IT IS SO ORDERED that all *Objections* to the *Amended Director's Report* are due **no later than 5:00 p.m. on February 27, 2004**. *Responses* to the *Objections* are due **no later than 5:00 p.m. on March 15, 2004**. All *Objections* and *Responses* are limited to issues pertaining to the amendments to the *Director's Report*.

Dated January 15, 2004.

*[Signature]*  
\_\_\_\_\_  
JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication



*should*

EXHIBIT A

Subcase Nos:

29-10065  
29-10176  
29-10449  
29-11775  
29-13213  
29-13251  
29-13327  
29-13406  
29-13408  
29-13421  
29-13428  
29-13429  
29-13482  
29-13553  
29-13554  
29-13618  
29-13619  
29-13620  
29-13621  
29-13622

**CERTIFICATE OF MAILING**

I certify that a true and correct copy of the Order was mailed on 1/15/04 with sufficient first-class postage to the following:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

United States Department of Justice  
Environment & Nat'l Resources Div  
550 W Fort Street, MSC 033  
Boise, ID 83724

Chief, Natural Resources Division  
Office of Attorney General  
PO Box 44449  
Boise, ID 83711-4449

  
Deputy Clerk

03/26/2003

**NOTICE OF ERROR  
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003**

Water right number: 29-13408

ALAN SMITH  
2620 KELLY TOPONCE RD  
BANCROFT ID 83217

ADA K SMITH  
2620 KELLY TOPONCE RD  
BANCROFT ID 83217  
Telephone Number: (208) 648-7775

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: 3-29-03 SIGNATURE: Alan Smith  
Please print your name: Alan Smith

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



Claim No.: 29-13408

# Summary Data Entry Form

Remarks and Conditions (Include Type, Category and Code if applicable):

C18

C05

C03

F04

F08

E14

~~FO~~

F05 29-2430A & 29-2524 are all diverted  
through POB described.

Split or Combined Right Analysis:

No

Attached Field Notes or Other Documents:

Claim No.: 29-13408

Reviewer

Cindy Bud

Date

3/26/03

## Notes

3/10/03 Orthograd AA 93 "Chesterfield"  
1974 print shows irrigation N $\frac{1}{2}$  SE,  
Section 23 and N $\frac{1}{2}$  SW Sec. 24,  
T 7S, R 38E.

3/7/03 Wilder Hatch said Mike Hatch  
irrigated this prior to Alan Smith  
purchasing the property.

Wilder is going to talk with Mike  
Hatch about evidence of priority.

## Notes

1/8/03 telephone conversation w/Steve Hobson, b29 water master.

Allan Smith started using this well on this property when he purchased it in 1993, November. There is a possibility that it was irrigated a couple years prior when W.C. Hatch leased the property. Prior to W.C. Hatch the Smith Brothers leased it (Delmo Smith)

1964 imagery

## Contacts Data Entry Form

| Owner Type | Full Name | Address | City | State | Zip | Phone |
|------------|-----------|---------|------|-------|-----|-------|
|------------|-----------|---------|------|-------|-----|-------|

Current Owner \_\_\_\_\_

Name connector: and \_\_\_\_\_, or \_\_\_\_\_, and/or \_\_\_\_\_

Current Owner \_\_\_\_\_

Current Owner \_\_\_\_\_

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

Accompanied By: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Relationship to Claimant: \_\_\_\_\_

Date of Field Exam: \_\_\_\_\_ Time: \_\_\_\_\_

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

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

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

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

**Priority Date Data Entry Form**

Claim Number: \_\_\_\_\_

Water Right Priority Date: \_\_\_\_\_ Water Right Basis: \_\_\_\_\_

Claimed Priority Date: \_\_\_\_\_ Claimed Basis: \_\_\_\_\_

Recommended Priority Date: \_\_\_\_\_ Recommended Basis: \_\_\_\_\_

☐ 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:

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

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

## Point of Diversion and Source Data Entry Form

Claim Number: \_\_\_\_\_

Water Right Point of Diversion: T\_\_\_\_, R\_\_\_\_, Sec. \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_. County: \_\_\_\_\_

Source: \_\_\_\_\_ Tributary: \_\_\_\_\_

Claimed Point of Diversion: T\_\_\_\_, R\_\_\_\_, Sec. \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_. County: \_\_\_\_\_

Source: \_\_\_\_\_ Tributary: \_\_\_\_\_

Recommended Point of Diversion: T\_\_\_\_, R\_\_\_\_, Sec. \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_. County: \_\_\_\_\_

Source: \_\_\_\_\_ Tributary: \_\_\_\_\_

\_\_\_\_ Use Claimed POD and Source as Recommended POD and Source

| Twp                    | Rge | Sec | Gov Lot | QQQ of QQ of Q | County | Source |
|------------------------|-----|-----|---------|----------------|--------|--------|
|                        |     |     |         |                |        |        |
| 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:

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Transfers Changing POD \_\_\_\_\_

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

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

## Place Of Use Data Entry Form

Claim Number: \_\_\_\_\_

\_\_\_\_\_ Use Claimed POU as Recommended POU

### Claimed Place of Use

| Tw | Rge | Sec | QQ | Q | County | Lot Num | Acres | Purpose of Use |
|----|-----|-----|----|---|--------|---------|-------|----------------|
|    |     |     |    |   |        |         |       |                |
|    |     |     |    |   |        |         |       |                |
|    |     |     |    |   |        |         |       |                |
|    |     |     |    |   |        |         |       |                |
|    |     |     |    |   |        |         |       |                |
|    |     |     |    |   |        |         |       |                |

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

### Recommended Place of Use

| Tw | Rge | Sec | QQ | Q | County | Lot Num | Acres | Purpose of Use |
|----|-----|-----|----|---|--------|---------|-------|----------------|
|    |     |     |    |   |        |         |       |                |
|    |     |     |    |   |        |         |       |                |
|    |     |     |    |   |        |         |       |                |
|    |     |     |    |   |        |         |       |                |
|    |     |     |    |   |        |         |       |                |
|    |     |     |    |   |        |         |       |                |

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

Document how the POU was verified:

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

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

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

## Purpose of Use Data Entry Form

Claim Number: \_\_\_\_\_

\_\_\_\_\_ 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 |
|-----------|-----------------|-----------------|------------|-----------------|
| _____     | _____           | _____           | _____      | _____           |
| _____     | _____           | _____           | _____      | _____           |
| _____     | _____           | _____           | _____      | _____           |

### Claimed Purpose of Use

| Water Use | Number of Homes | Number of Stock | Acre Limit | Number of Other |
|-----------|-----------------|-----------------|------------|-----------------|
| _____     | _____           | _____           | _____      | _____           |
| _____     | _____           | _____           | _____      | _____           |
| _____     | _____           | _____           | _____      | _____           |

### Recommended Purpose of Use

| Water Use | Number of Homes | Number of Stock | Acre Limit | Number of Other |
|-----------|-----------------|-----------------|------------|-----------------|
| _____     | _____           | _____           | _____      | _____           |
| _____     | _____           | _____           | _____      | _____           |
| _____     | _____           | _____           | _____      | _____           |

Document how the Purpose of Use was verified:

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

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

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

**Period of Use and Quantity Data Entry Form**

Claim Number: \_\_\_\_\_

☐ 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 |
|-----------|-------|-------|-------|--------|
| _____     | _____ | _____ | _____ | _____  |
| _____     | _____ | _____ | _____ | _____  |
| _____     | _____ | _____ | _____ | _____  |

Overall Diversion Rate \_\_\_\_\_

Overall Diversion Volume \_\_\_\_\_

**Claimed Period of Use and Diversion Rate**

| Water Use | Start | End   | Rate  | Volume |
|-----------|-------|-------|-------|--------|
| _____     | _____ | _____ | _____ | _____  |
| _____     | _____ | _____ | _____ | _____  |
| _____     | _____ | _____ | _____ | _____  |

Overall Diversion Rate \_\_\_\_\_

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:

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

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



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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

Alan Smith  
2620 Kelly Toponce Road  
Bancroft, ID 83217

November 18, 2002

Re: Evidence of Priority

Claim No. A29-13408 (enlargement claim)

**Response Date: December 2, 2002**

Dear Claimant (s):

The Idaho Department of Water Resources has begun its water right review in Basin 29. The Notice(s) of Claim identified with the number shown above, 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 enclosed 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 need to be conducted by the Department personnel.**

.....  
**The Department cannot recommend the court decree the Notice if no evidence of a priority date is submitted.**  
.....

Please submit the documentation supporting the priority date by December 2, 2002, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter, please feel free to contact me at 547-3993.

Respectfully,



Cindy E. Bird  
Adjudication Bureau

Enclosure:    Brochure on "Evidence of Priority"  
                  Adjudication Claim Report

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 29-13408  
Date Received: 10/24/2002  
Receipt No:  
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

ALAN SMITH Phone: (208) 648-7775

2620 KELLY TOPONCE RD  
BANCROFT ID USA 83217

ADA K SMITH Phone: (208) 648-7775

2620 KELLY TOPONCE RD  
BANCROFT ID USA 83217

2. Date of Priority: 04/01/1970

*purchased Nov. 24, 1993  
4-1-1994 ?*

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County  | Type |
|----------|-------|---------|-----------------------|---------|------|
| 07S      | 38E   | 24      | SE SE NW              | CARIBOU |      |

5. Description of diverting works:

WELL/PUMP 12INCHES-6INCHES PVC, MAINLINE, WITH 60 FEET SPACED RISERS.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/01 | 10/31 | 2.84   | 456        |

7. Total Quantity Appropriated is:  
2.84 C.F.S. and/or 456 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4    | Lot | Use        | Acres |  |     |
|----------|-------|---------|---------------|-----|------------|-------|--|-----|
| 07S      | 38E   | 23      | NE            | SE  | IRRIGATION | 40    |  |     |
|          |       |         | NW            | SE  | IRRIGATION | 40    |  |     |
|          |       |         | Section Acres |     |            |       |  | 80  |
|          |       |         | Total Acres   |     |            |       |  | 156 |
| 07S      | 38E   | 24      | NE            | SW  | IRRIGATION | 36    |  |     |
|          |       |         | NW            | SW  | IRRIGATION | 40    |  |     |
|          |       |         | Section Acres |     |            |       |  | 76  |
|          |       |         | Total Acres   |     |            |       |  | 156 |

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:

14. Remarks:

ENLARGEMENT OF A29-2524.EXPANDED ACREAGE NO ADDITIONAL FLOW.  
OTHER WATER RIGHTS A29-128

15. Basis of Claim: Beneficial Use

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 29-13408Date Received 10-17-02Receipt Number E028255

RECEIVED

OCT 17 2002

Department of Water Resources  
Eastern Region

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Alan & Ada K Smith Phone (208) 648-7775Mailing Address 2620 Kelly Toponce Rd, Bancroft Zip 83217\* 2. Date of Priority (Only one (1) per claim) 4/1/1970. (per Cindy Bud)3. Source of water supply (a) Ground water.  
which is tributary to (b) —4. a. Location of existing point of diversion is: Township 7S Range 38E Section 24,  
SE 1/4 of SE 1/4 of NW 1/4, Govt. Lot, — B.M., County of CaribouAdditional 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. well/pump. 12"-6"PVC, Mainline, with 60' spaced risers.

Scale: 2 inches equals 1 mile

A 20x20 grid of graph paper. Each cell contains a small crosshair symbol. In the center of the grid, there is a blue scribble that appears to be a stylized signature or a mark. The scribble is located roughly between columns 10 and 15 and rows 10 and 15.

*Copies: White-State, Yellow-Claimant*

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation. purposes from 4/1 to 10/31 amount 2.84 or 456

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

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

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

7. Total quantity claimed (a) 2.84 (cfs) and/or (b) 456 (acre feet)

8. Total consumptive use claimed is 390 acre feet per annum.

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

10. Description of place of use: \_\_\_\_\_

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

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

| TWP       | RNG        | SEC       | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4    |           |       |       | SE 1/4    |           |       |       | Totals    |
|-----------|------------|-----------|--------|-------|-------|-------|--------|-------|-------|-------|-----------|-----------|-------|-------|-----------|-----------|-------|-------|-----------|
|           |            |           | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4     | NW1/4     | SW1/4 | SE1/4 | NE1/4     | NW1/4     | SW1/4 | SE1/4 |           |
| <u>75</u> | <u>38E</u> | <u>23</u> |        |       |       |       |        |       |       |       |           |           |       |       | <u>40</u> | <u>40</u> |       |       | <u>80</u> |
|           |            | <u>24</u> |        |       |       |       |        |       |       |       | <u>36</u> | <u>40</u> |       |       |           |           |       |       | <u>76</u> |
|           |            |           |        |       |       |       |        |       |       |       |           |           |       |       |           |           |       |       |           |
|           |            |           |        |       |       |       |        |       |       |       |           |           |       |       |           |           |       |       |           |
|           |            |           |        |       |       |       |        |       |       |       |           |           |       |       |           |           |       |       |           |
|           |            |           |        |       |       |       |        |       |       |       |           |           |       |       |           |           |       |       |           |
|           |            |           |        |       |       |       |        |       |       |       |           |           |       |       |           |           |       |       |           |
|           |            |           |        |       |       |       |        |       |       |       |           |           |       |       |           |           |       |       |           |

Total number of acres irrigated 156

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

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.  
A29-128 or None ( )

14. Remarks: Enlargement  
Expansion of A29-2524. Expanded acreage -  
No additional Flow.

Last Name Smith 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 \_\_\_\_\_

**For Individuals:** I do solemnly swear or affirm that the statements contained in the foregoing document are true  
and correct.

\* Signature of Claimant (s) \_\_\_\_\_

Alan Smith

Date Oct 23, 2001

Ada Smith

Date Oct 23, 2001

**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 \_\_\_\_\_

Title

of \_\_\_\_\_

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 Idaho )

County of Ada )

SS.

Subscribed and sworn (or affirmed) before me this

Oct.

day of

23

2001

Notary Public

Christine A. Beeline

Residing at

Boise, Idaho

My Commission Expires

Feb 1, 2006

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

Smith

Ident. Number \_\_\_\_\_

Copies White-State, Yellow-Claimant