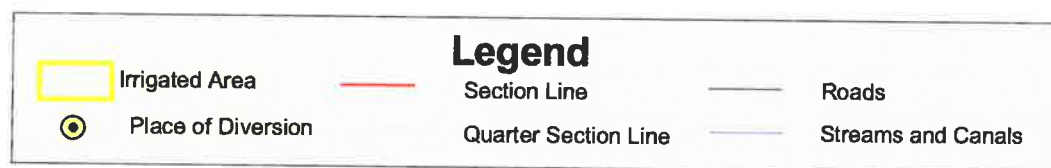
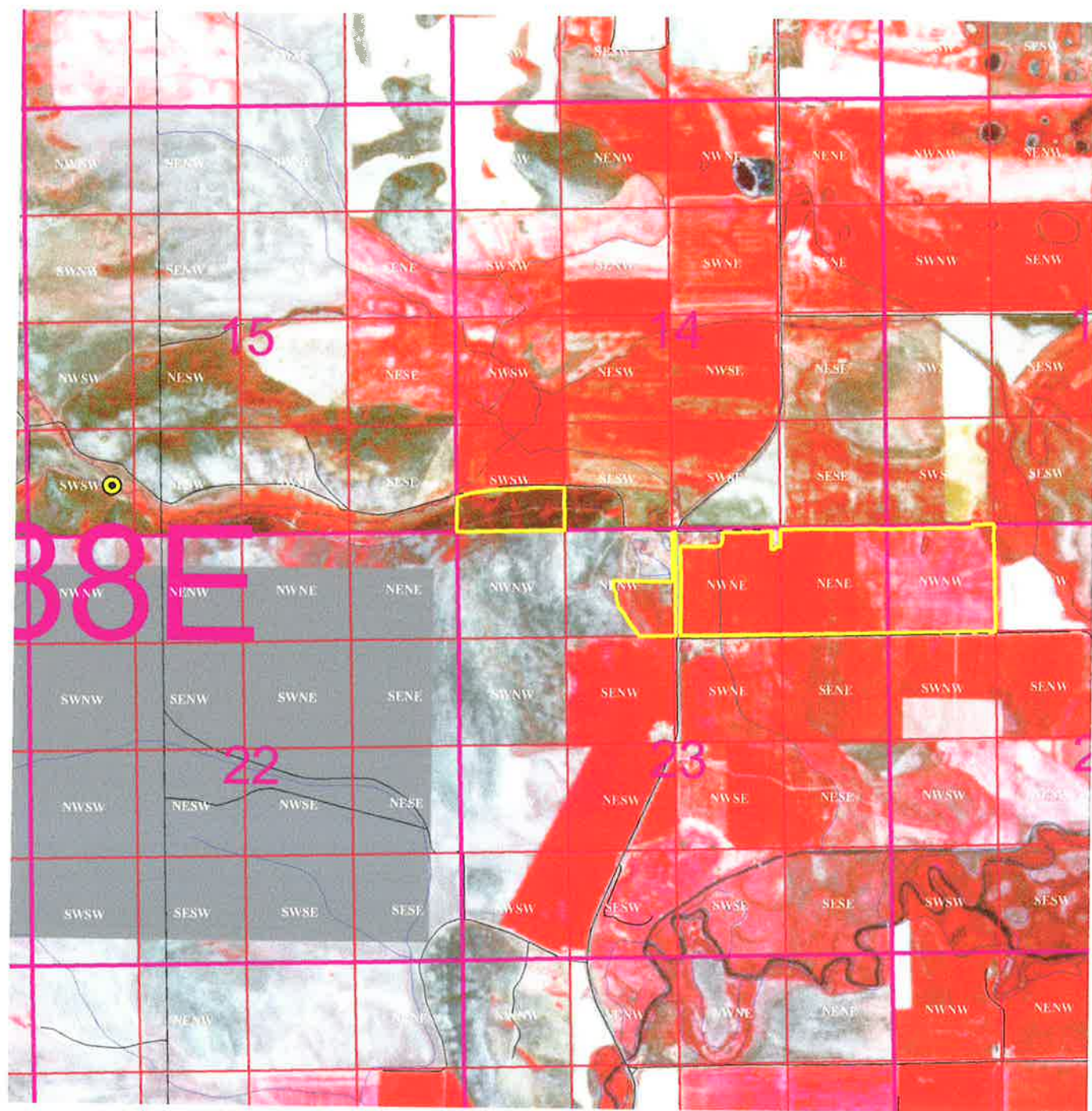


1

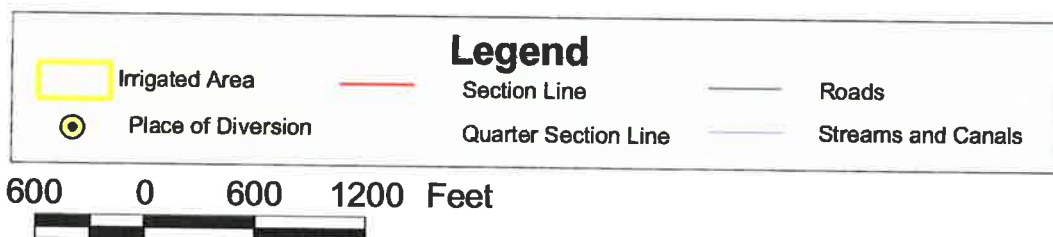
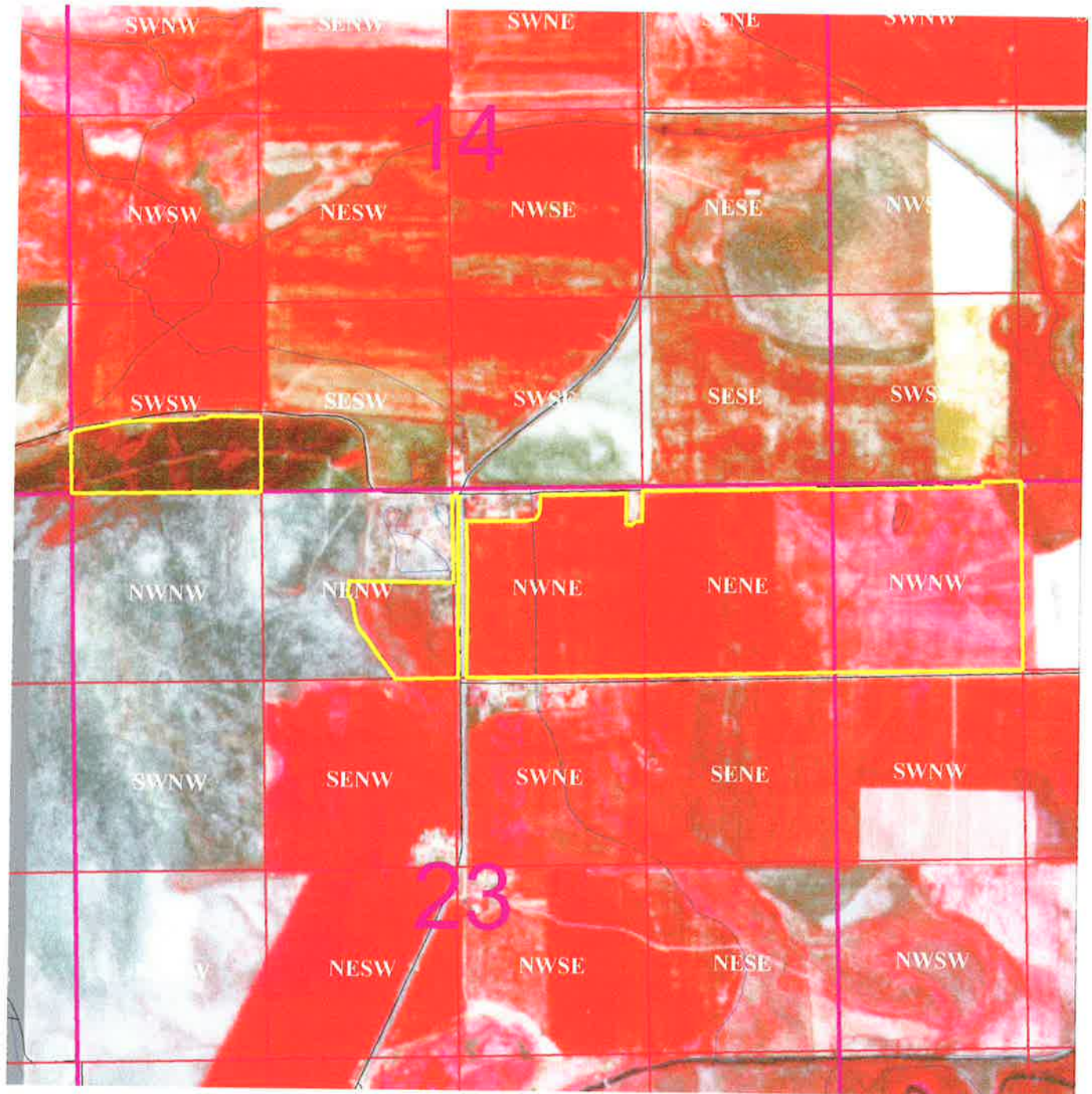
Township , 7S38E



1000 0 1000 2000 Feet



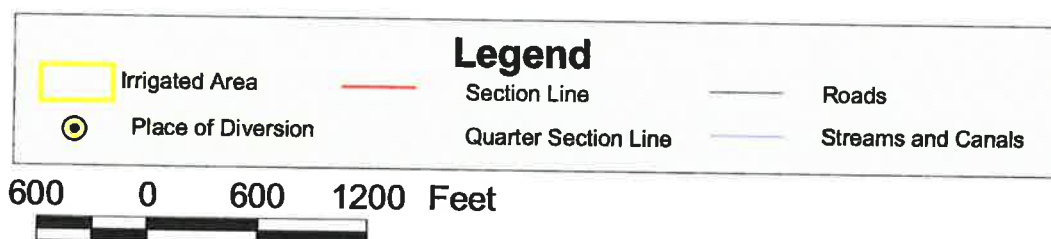
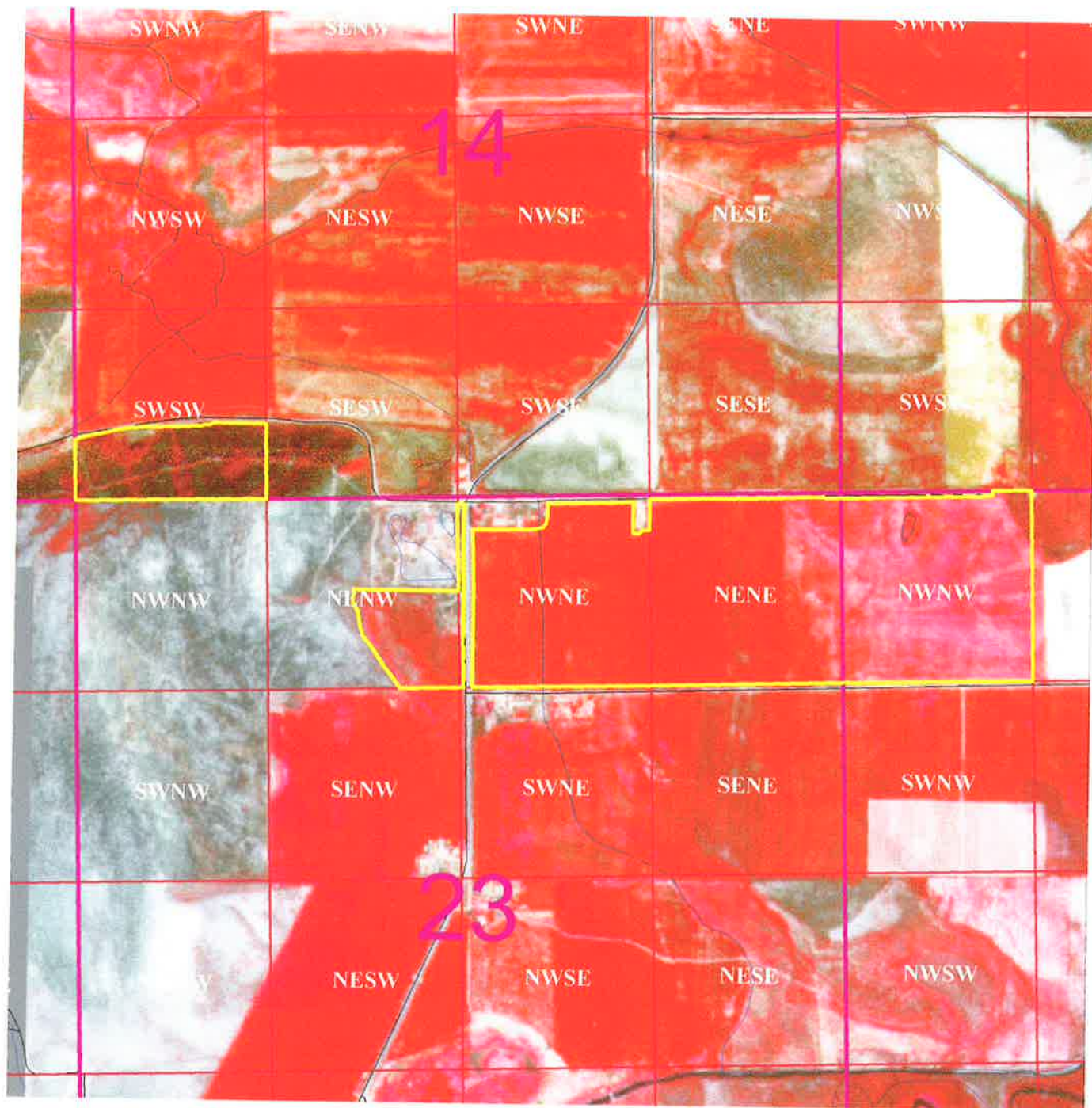
Township , 7S38E



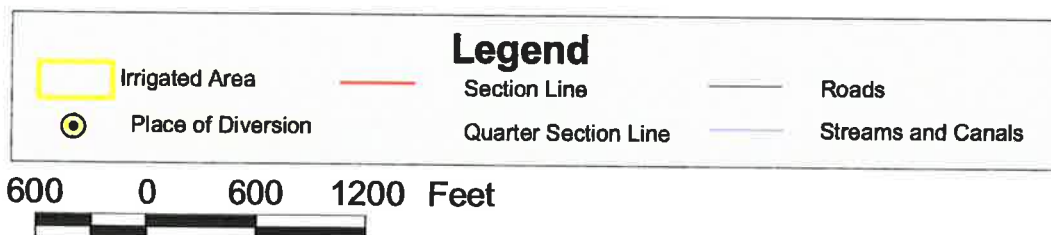
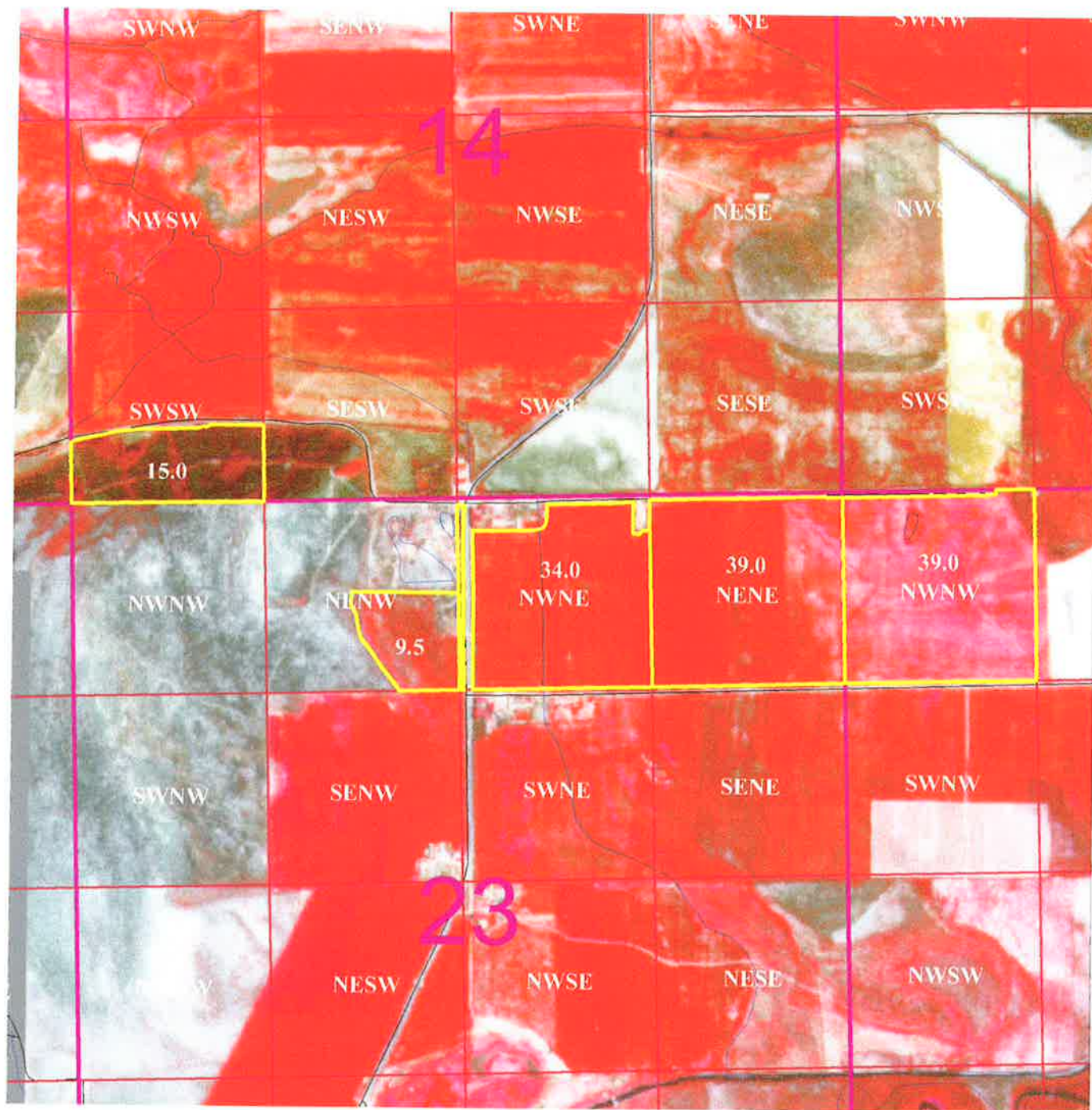
Water Right Claim Number A29-00126

06/08/2000

Township , 7S38E



Township , 7S38E

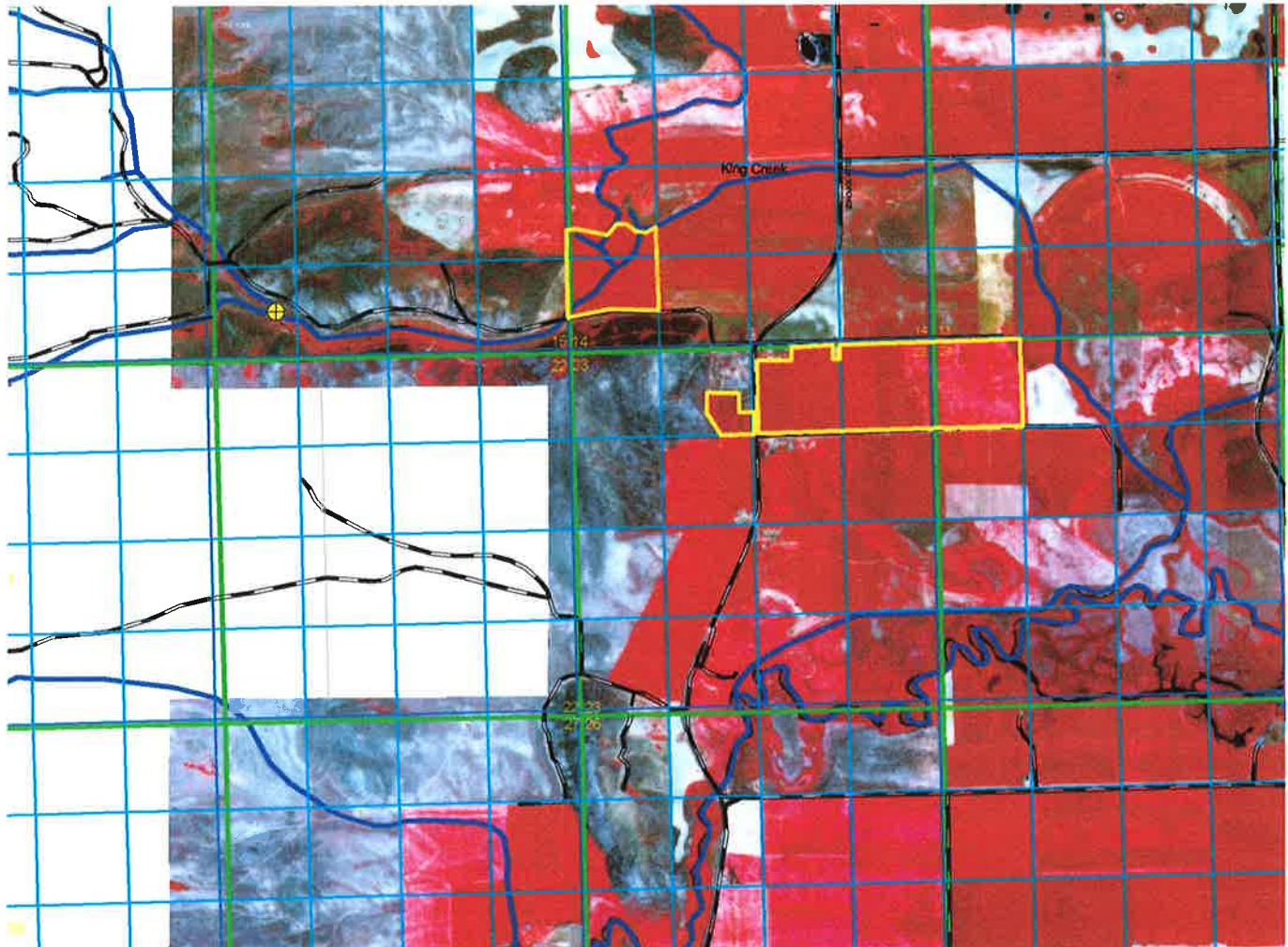




STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right 29-13395



0.2 0 0.2 0.4 0.6 Miles

LEGEND

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

Place of Use: T7S, R38E,
(part of) Section 14, 23 and 24.

Points of Diversion: T7S, R38E
Sec. 15 SESWSW



GIS Place of Use Illustration
1987/88 NAPP PHOTOGRAPHY
Prepared by C. Bird
Date: September 2002

02/18/2003

Cindy

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: 29-13395

SMITH RANCH FAMILY PARTNERSHIP
2651 KELLY TOPONCE RD
BANCROFT ID 83217
Telephone Number: (208)648-7384

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:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 20 Mar 03

SIGNATURE:

Loren Smith

Please print your name:

Loren Smith

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

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

NAME AND ADDRESS: SMITH RANCH FAMILY PARTNERSHIP
2651 KELLY TOPONCE RD
BANCROFT ID 83217

POINT OF DIVERSION:

T07S R38E S15 SESWSW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 09/15	0.920 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T07S R38E S14	NWSW	12.0	T07S R38E S14	SWSW	24.0
T07S R38E S23	NENE	38.0	T07S R38E S23	NWNE	33.0
T07S R38E S23	NENW	7.5	T07S R38E S24	NWNW	38.0

152.5 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-7028 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 141 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 46 ACRES IN A SINGLE IRRIGATION SEASON.

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

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 29.

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.

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

RIGHT NOS. 29-10260 AND 29-7028 ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-126.

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 29-13395
Date Received: 9/18/2002
Receipt No: M005537
Received By:

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

1. Name of Claimant(s)

SMITH RANCH FAMILY PARTNERSHIP Phone: (208) 648-7384

2651 KELLY TOPONCE RD
BANCROFT ID USA 83217

2. Date of Priority: 06/17/1902

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	Type
07S	38E	15	SE	SW	SW	CARIBOU	

5. Description of diverting works:

CONCRETE PIPELINE DIVERSION INTO 15" GRAVITY FLOW PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	09/15	1	

7. Total Quantity Appropriated is:
1 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
07S	38E	14	SW	SW	IRRIGATION	16
					Section Acres	16
07S	38E	23	NE	NE	IRRIGATION	39
			NW	NE	IRRIGATION	37
			NE	NW	IRRIGATION	10
					Section Acres	86
07S	38E	24	NW	NW	IRRIGATION	39
					Section Acres	39
					Total Acres	141

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:

29-7028, SHARES IN TOPONCE CANAL COMPANY

14. Remarks:

RENUMBERED FROM 29-126.

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.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct. _____
Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20 _____

Notary Public

Residing at _____

My commission Expires _____



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

October 1, 2002

Loren Smith
Smith Family Partnership
2551 Kelly Toponce Road
Bancroft, ID 83217

REF: Union Grain and Elevator Decree

Subject: Extended Season of Use on King Creek

Dear Loren,

The season of use decreed under the Union Grain and Elevator decree on King Creek is 4/15 to 9/15. To divert and use the water outside that season will require that you file an additional claim to extend the season of use. You will also need to provide evidence to support the priority date claimed. The priority date can't be any earlier than 1-day after the Union Grain and Elevator decree because King Creek was a decree source in that decree. The decree date for the Union Grain and Elevator decree was August 8th, 1932. If you would like to claim the longer season of use please let me know and we can get it filed.

When we last spoke about the stock watering springs we discussed filing claims on them. I wanted to clarify the stock water a little more. If the developed springs do not leave your property you wouldn't need to file on the stock water. If the springs leave your property then you might want to think about filing on them. You don't have to file on stock water in the Snake River Basin Adjudication unless you want to establish the right to divert the water. I hope that helps. If you have any other questions, please don't hesitate to call or come by the office.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Bird, Cindy

From: Werner, Doug
Sent: Thursday, September 19, 2002 1:03 PM
To: Ciscell, Michael
Cc: Bird, Cindy
Subject: RE: w/r 29-126

All done.

Doug

-----Original Message-----

From: Ciscell, Michael
Sent: Thursday, September 19, 2002 11:01 AM
To: Werner, Doug
Subject: FW: w/r 29-126

Doug,

Can you please delete the following PODID and POUID from the locRecPOD and locRecPOU tables.

Thanks,

Michael

-----Original Message-----

From: Bird, Cindy
Sent: Thursday, September 19, 2002 8:56 AM
To: Ciscell, Michael
Subject: w/r 29-126

Good Morning Michael,
The POD ID is 575354 and the POU ID is 669565. They should be for recommendation on 29-126.

thanks,
cindy

Priority Date Data Entry Form

Claim Number: 29-126
Water Right Priority Date: 6-17-1902 Water Right Basis: Decree
Claimed Priority Date: 6-17-1902 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:

UG + E decree.

disallow
POB - Cmd/Remarks
No -
gh 13395

Remark / Cmd. Needed.

C18

S08

remove

F05

29-10260 & 29-7028

F29

R63

Combined - Not to exceed 0.02 / ac in 3.5 ac ft.

Reviewer: CB

Date: 7/11/02

Point of Diversion and Source Data Entry Form

Claim Number: 29-126

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____, County:_____

Source:_____ Tributary:_____

Claimed Point of Diversion: T 75, R 38E, Sec. 15, SE, SW, SW, County: CaribouSource: King Crk Tributary: Portneuf RiverRecommended Point of Diversion: T 75, R 38E, Sec. 15, SE, SW, SW, County: CaribouSource: King Crk Tributary: Portneuf River
☒ 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? 29-7028, 29-10260

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

FOS Remark
- put into a pipe line in the 1970's

Transfers Changing POD _____

Reviewer: CBDate: 7/11/02

Place Of Use Data Entry Form

Claim Number: 29-126☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
7S	39E	14	SW	SW	Caribou		14	Irrigation
		23	NE	NE			39	
		23	NW	NE			37	
		23	NE	NW			10	
		24	NW	NW			39	
Total Acres							141	

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
7S	39E	14	SW	SW	Caribou		24	Irrigation
		23	NE	NE			38	
		23	NW	NE			33	
		23	NE	NW			7.5	
		24	NW	NW			38	
		14	NW	SW			12	
Total Acres							150	
							152.5	

Document how the POU was verified:

E29* Canal staves also used (They have staves but haven't used them, can't get the water to the property)

E14 - 46 acre limit

Transfers Changing POU _____

Reviewer: CBDate: 7/11/02

Purpose of Use Data Entry Form

Claim Number: 29-126☐ 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
Irrigation			50	

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irrigation			141	

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irrigation			46	

Document how the Purpose of Use was verified:

508 Remark 4/1 - 10/31
proportioned w/claim 29-10260 under
described POU.

Transfers Changing Purpose of Use _____

Reviewer: CBDate: 7/11/02

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
Irrigation	4/15	9/15	1.0	

Overall Diversion Rate 1.0 Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/15	9/15	1.0	

Overall Diversion Rate 1.0 Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/15	9/15	0.92	

Overall Diversion Rate 0.92 Overall Diversion Volume _____

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

SDR Record - 4/1 - 10/31Reviewer: CBDate: 7/11/02

Owner Type	Full Name	Address	City	State	Zip	Phone
Individual	John Doe	123 Main St	Anytown	CA	90210	(555) 123-4567
Company	ABC Corp	456 Elm St	Springfield	IL	62701	(555) 987-6543
Government	City of Springfield	789 Oak St	Springfield	IL	62702	(555) 234-5678
Non-Profit	Springfield Foundation	101 Pine St	Springfield	IL	62703	(555) 345-6789

Date: 7/11/02

EXAM INFORMATION

Exam Date

6/11/01

Exam Time

1 pm.

CLAIM(S) 29-4006, 2302, 2545, 7028, 126

NAME

Delmo Smith (deceased)

ADDRESS

PHONE (208) 648-7384 Loren

HOME

648-7330 Dean Smith

WORK

CELL

DOMESTIC___ STOCKWATER___ IRRIGATION___ OTHER___

OTHER RIGHTS

DIRECTIONS

I Chesterfield - old Hwy 30
from Lava Hot Springs - Past Pepple
Ck. - Rd $\approx$ 2 mi.

Kelly to Pance Rd. (left) across
RR track - cross Portneut Steel
Bridge.

- 2nd House on left

9 gpm = 0.02 cfs

120 gpm = 9 gpm 1.6 cfs
0.2 cfs

1.6 cfs

DOGS

DATE

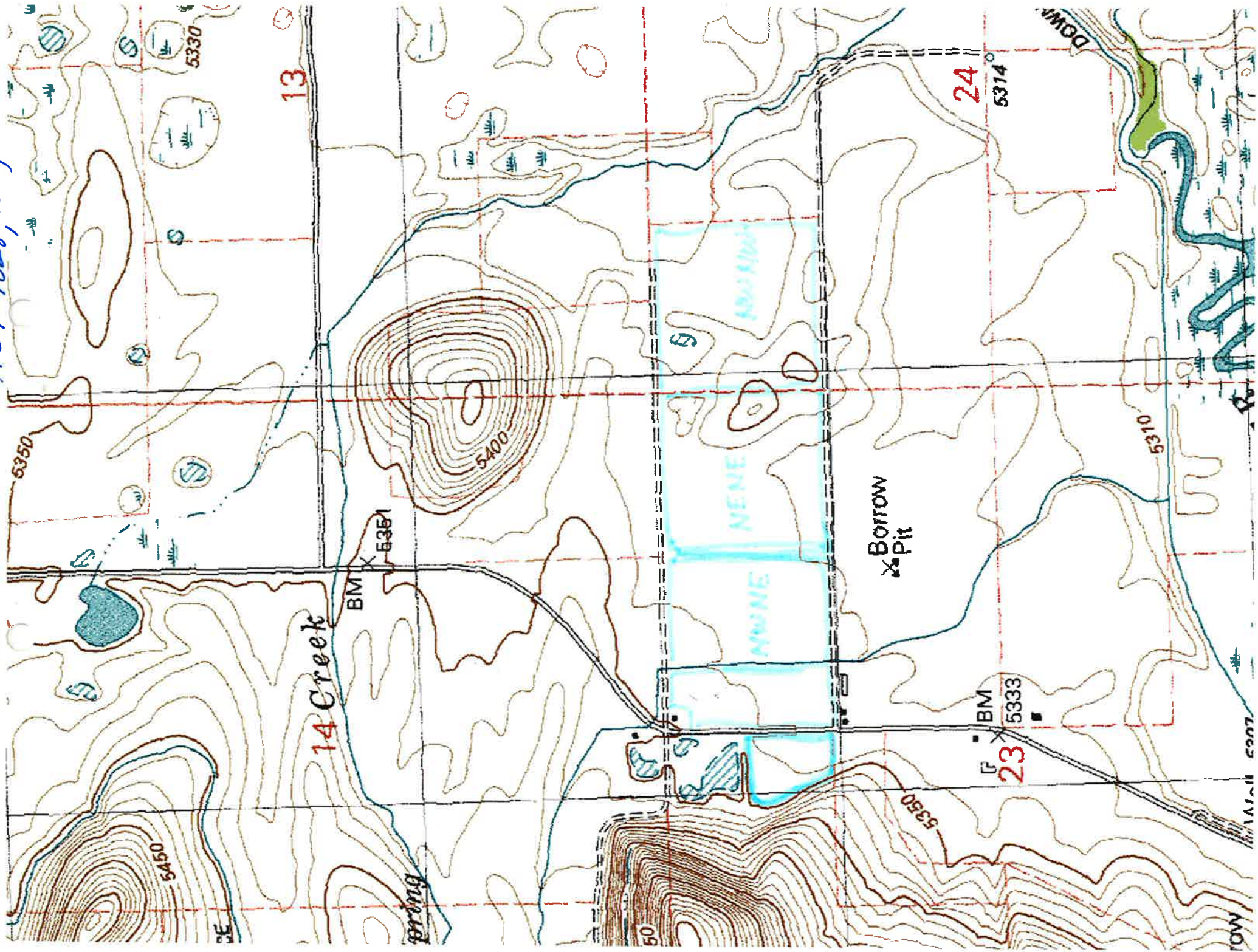
6/4/01

APPOINTMENT

Mada Smith.

Her sons Dean & Loren run the farm.

A29-7028, 126,



A29-126 & 29-10260

T7S, R38E

7/1/02 1.0 cfs = 50 acres. T1037

16	SW SW	Sec. 14	Delmo Smith
10	NE NW	Sec. 23	Delmo Smith. (12.5 Acres Johnson)
76	N 1/2 NE	Sec. 23.	Delmo Smith
39.	NW NW	Sec. 24.	Delmo Smith

141.0

200 Acres Total Listed from Decree.

187.5 Acres owned by Delmo Smith.

12.5 Acres owned by Albert Johnson

Acreage claimed.

141.0 acres Delmo Smith.

12.0 acres Albert Johnson

153.0

ratio of acreage in decreed QQ's.

Delmo
smith. $\frac{141}{153} = 0.92$

al.
Johnson $\frac{12.0}{153} = 0.08$

SPECIAL WARRANTY DEED

FOR VALUED RECEIVED

THE FEDERAL LAND BANK OF SPOKANE, a Washington Corporation,
the Grantor, does hereby grant, bargain, sell and convey unto

DELMO SMITH and MADA SMITH, Husband and Wife,

whose current address is

Bancroft, ID 83217

the Grantees, the following described premises, in Caribou County, Idaho, to
wit:

See Exhibit "A" attached hereto and made a part hereof.

TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. GRANTOR covenants and warrants the premises to
be free only of encumbrances suffered or created by GRANTOR, and subject to
existing servitudes, exceptions, provisions and reservations, and specifically
excepts all taxes, assessments, charges and any lien or encumbrances revived or
placed on said premises by, through, under, or assumed by GRANTEEES.

DATED: MARCH 3, 1987

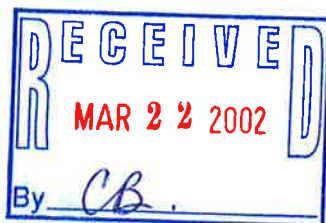
THE FEDERAL LAND BANK OF SPOKANE

By Brad Buttars
FSC Manager - Authorized Agent

STATE OF IDAHO)

County of Caribou)

On this 3rd day of March, 1987, before me, the undersigned, a
Notary Public in and for said State, personally appeared BRAD BUTTARS, known or
identified to me to be the FSC Manager - Authorized Agent of the Corporation
that executed the instrument or the person who executed the instrument on behalf
of said Corporation, and acknowledged to me that such Corporation executed the
same.



William B. Smith
NOTARY PUBLIC for State of Idaho
Residing at: Soda Springs Idaho
Comm. Expires: 6-1-87

EXHIBIT "A"

Township 7 South, Range 38 East of the Boise Meridian

Section 14: W1/2SW1/4, SW1/4 NW1/4.

Section 15: SE1/4, SE1/4NE1/4.

Section 23: W1/2NW1/4, N1/2NE1/4, NE1/4NW1/4, excepting therefrom:
Beginning at a point 2221.5 feet East and 25 feet South
of the Northwest corner of Section 23, and running
thence South 290.4 feet; thence East 150 feet; thence
North 290.4 feet; thence West 150 feet, to the point of
beginning.

Also, excepting therefrom: Beginning at a point 400
feet North of the Southeast corner of NE1/4NW1/4, and
running thence West 220 feet; thence North 130 feet;
thence East 220 feet; thence South 130 feet, to the
point of beginning.

Also excepting therefrom: NE1/4NE1/4NW1/4 and the
NE1/4SE1/4NE1/4NW1/4.

Section 24: NW1/4NW1/4.

Together with: 2400 shares of Topons Canal Company

Decreed right from King Creek 1 cfs with June 17, 1902,
priority date and License No. 29-7028.

FEDERAL LAND BANK OF SPOKANE
+ By Brad Butters Authorized Agent
+ Delmo Smith
+ Mada Smith

Claim	29 10162	DELMO SMITH, MADA SMITH,	GROUND WATER	07S38E23	X														0
Claim	29 10162	DELMO SMITH, MADA SMITH,	GROUND WATER	07S38E23	X														0
Claim	29 10163	DELMO SMITH, MADA SMITH,	GROUND WATER	07S38E23					X										0
Claim	29 10163	DELMO SMITH, MADA SMITH,	GROUND WATER	07S38E23					X										0
Claim	29 10258	DENESE WHITE, RAY WHITE,	GROUND WATER	07S38E23				X											0
Claim	29 12136	ADA K SMITH, ALAN SMITH,	GROUND WATER	07S38E23												X			0
Claim	29 12136	ADA K SMITH, ALAN SMITH,	GROUND WATER	07S38E23												X			0
Claim	29 2524	DONNA H HATCH, MIKE W HATCH,	GROUND WATER	07S38E23			32	40											72
Claim	29 2545	DELMO SMITH, MADA SMITH,	GROUND WATER	07S38E23							36	33	5	10	20				104
Right	29 10162	MADA SMITH, DELMO SMITH,	GROUND WATER	07S38E23	X														0
Right	29 10162	MADA SMITH, DELMO SMITH,	GROUND WATER	07S38E23	X														0
Right	29 10163	DELMO SMITH, MADA SMITH,	GROUND WATER	07S38E23					X										0
Right	29 10163	DELMO SMITH, MADA SMITH,	GROUND WATER	07S38E23					X										0
Right	29 10258	PATRICIA A JOHNSON, ALBERT C JOHNSON,	GROUND WATER	07S38E23				X											0
Right	29 12136	ALAN SMITH, ADA K SMITH,	GROUND WATER	07S38E23												X			0
Right	29 12136	ALAN SMITH, ADA K SMITH,	GROUND WATER	07S38E23												X			0
Right	29 2524	ASA HATCH RANCH,	GROUND WATER	07S38E23			32	40											72
Right	29 2545	DELMO SMITH,	GROUND WATER	07S38E23							36	33	15	10	10				104
Claim	29 10260	ALBERT C JOHNSON, PATRICIA A JOHNSON,	KING CREEK	07S38E23					12										12
Claim	29 12137	ALAN SMITH, ADA K SMITH,	KING CREEK	07S38E23												X	X		0
Claim	29 126	DELMO SMITH, MADA SMITH,	KING CREEK	07S38E23	39	37			10										86
Claim	29 127	MIKE W HATCH, DONNA H HATCH,	KING CREEK	07S38E23			32	40											72
Claim	29 128	ADA K SMITH, ALAN SMITH,	KING CREEK	07S38E23												36	39		75
Claim	29 7028	MADA SMITH, DELMO SMITH,	KING CREEK	07S38E23	39	37			10										86
Right	29 126	JOHN C WHITE,	KING CREEK	07S38E23	X	X			X										0
Right	29 127	MICHAEL WHITWORTH,	KING CREEK	07S38E23			X	X											0
Right	29 128	E F KELLEY,	KING CREEK	07S38E23											X	X			0
Right	29 2228	ELMER J KELLY, M WHITWORTH, E F KELLY,	KING CREEK	07S38E23			40	40								40	40		160
Right	29 7028	JOHN C WHITE,	KING CREEK	07S38E23	39	37			10										86
Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	Total
Claim	29 103	TOPONCE CANAL CO LTD,	TOPONCE CREEK	07S38E23			32	40								38	40		150
Claim	29 10322	TOPONCE CANAL CO LTD,	TOPONCE CREEK	07S38E23			32	40								38	40		150
Right	29 103	TOPONCE CANAL CO,	TOPONCE CREEK	07S38E23	X	X	X	X	X		X	X			X	X	X	X	0
Right	29 104	TOPONCE CANAL CO,	TOPONCE CREEK	07S38E23	X	X	X	X	X		X	X			X	X	X	X	0
Right	29 105	TOPONCE CANAL CO,	TOPONCE CREEK	07S38E23	X	X	X	X	X		X	X			X	X	X	X	0
Right	29 106	TOPONCE CANAL CO,	TOPONCE CREEK	07S38E23	X	X	X	X	X		X	X			X	X	X	X	0
Right	29 2003	CHRISTIAN JENSEN,	TOPONCE CREEK	07S38E23	10	40													50

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Claim	29 10139	GARY L HATCH, LA RAE HATCH,	GROUND WATER	07S38E14	X														0
Claim	29 10139	GARY L HATCH, LA RAE HATCH,	GROUND WATER	07S38E14	X														0
Claim	29 10259	DENESE WHITE,	GROUND WATER	07S38E14										X					0
Claim	29 2431A	DONNA H HATCH, MIKE W HATCH,	GROUND WATER	07S38E14											8			30	38
Claim	29 2471	GARY L HATCH, LA RAE HATCH,	GROUND WATER	07S38E14	29			38											67
Right	29 10139	LA RAE HATCH, GARY L HATCH,	GROUND WATER	07S38E14	X														0
Right	29 10139	LA RAE HATCH, GARY L HATCH,	GROUND WATER	07S38E14	X														0
Right	29 10259	DENESE WHITE,	GROUND WATER	07S38E14										X					0
Right	29 2431	ASA F HATCH,	GROUND WATER	07S38E14											8			10	18
Right	29 2471	MIKE G SHIPLEY,	GROUND WATER	07S38E14	29			38											67
Claim	29 10260	ALBERT C JOHNSON, PATRICIA A JOHNSON,	KING CREEK	07S38E14											1				1
Claim	29 126	DELMO SMITH, MADA SMITH,	KING CREEK	07S38E14									16						16
Claim	29 7028	MADA SMITH, DELMO SMITH,	KING CREEK	07S38E14									16						16
Right	29 126	JOHN C WHITE,	KING CREEK	07S38E14									X						0
Right	29 2228	ELMER J KELLY, M WHITWORTH, E F KELLY,	KING CREEK	07S38E14									40						40
Right	29 7028	JOHN C WHITE,	KING CREEK	07S38E14									16						16
Claim	29 12909	GARY L HATCH,	SPRING	07S38E14				X											0
Claim	29 70	JEFFREY L ASKEW,	SPRING	07S38E14	15														15
Claim	29 103	TOPONCE CANAL CO LTD,	TOPONCE CREEK	07S38E14		36	39		24	34	40	38	16	31	8	40	38	30	374
Claim	29 10322	TOPONCE CANAL CO LTD,	TOPONCE CREEK	07S38E14		36	39		24	34	40	38	16	31	8	40	38	30	374
Right	29 103	TOPONCE CANAL CO,	TOPONCE CREEK	07S38E14	X	X	X	X		X	X		X	X	X	X	X	X	0
Right	29 104	TOPONCE CANAL CO,	TOPONCE CREEK	07S38E14	X	X	X	X		X	X		X	X	X	X	X	X	0
Right	29 105	TOPONCE CANAL CO,	TOPONCE CREEK	07S38E14	X	X	X	X		X	X		X	X	X	X	X	X	0
Right	29 106	TOPONCE CANAL CO,	TOPONCE CREEK	07S38E14	X	X	X	X		X	X		X	X	X	X	X	X	0

**Idaho Dept. of Water Resources
Place of Use Comparison Report**

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	Total
Claim	29 10202	ADAM J WELKER,	GROUND WATER	07S38E24	21	35			29							85
Claim	29 2311C	A LEE CROCKETT,	GROUND WATER	07S38E24											5	5
Claim	29 2430A	MIKE W HATCH, DONNA H HATCH,	GROUND WATER	07S38E24			20	31								51
Claim	29 2524	DONNA H HATCH, MIKE W HATCH,	GROUND WATER	07S38E24							40	40				80
Right	29 2430	VESTAL CHRISTENSEN & SONS,	GROUND WATER	07S38E24	21	35	20	31	29							136
Right	29 2524	ASA HATCH RANCH,	GROUND WATER	07S38E24							40	40				80
Claim	29 12137	ALAN SMITH, ADA K SMITH,	KING CREEK	07S38E24									X			0
Claim	29 126	DELMO SMITH, MADA SMITH,	KING CREEK	07S38E24						39						39
Claim	29 127	MIKE W HATCH, DONNA H HATCH,	KING CREEK	07S38E24							40	40				80
Claim	29 128	ADA K SMITH, ALAN SMITH,	KING CREEK	07S38E24										35		35
Claim	29 7028	MADA SMITH, DELMO SMITH,	KING CREEK	07S38E24						39						39
Right	29 126	JOHN C WHITE,	KING CREEK	07S38E24						X						0
Right	29 128	E F KELLEY,	KING CREEK	07S38E24									X	X		0
Right	29 2228	ELMER J KELLY, M WHITWORTH, E F KELLY,	KING CREEK	07S38E24							40	40		40		120
Right	29 7028	JOHN C WHITE,	KING CREEK	07S38E24						39						39
Claim	29 103	TOPONCE CANAL CO LTD,	TOPONCE CREEK	07S38E24			20	31			40	40	38	40		209
Claim	29 10322	TOPONCE CANAL CO LTD,	TOPONCE CREEK	07S38E24			20	31			40	40	38	40		209
Right	29 103	TOPONCE CANAL CO,	TOPONCE CREEK	07S38E24	X	X	X		X	X	X	X	X	X		0
Right	29 104	TOPONCE CANAL CO,	TOPONCE CREEK	07S38E24	X	X	X		X	X	X	X	X	X		0
Right	29 105	TOPONCE CANAL CO,	TOPONCE CREEK	07S38E24	X	X	X		X	X	X	X	X	X		0
Right	29 106	TOPONCE CANAL CO,	TOPONCE CREEK	07S38E24	X	X	X		X	X	X	X	X	X		0



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

February 25, 2002

Smith Family Partnership
2651 Kelly Toponce Road
Bancroft, Idaho 83217

Ref: Snake River Basin Adjudication (SRBA)
Claim A29-126

Subject: Copy of Warranty Deed

Dear Loren,

In reviewing the Smith Family Partnership claims in the SRBA I determined a potential problem on the adjudication claim A29-126. Did your dad purchase this property from Fredrick White? If not how did your dad acquire the property? When did he purchase the property? What water rights were conveyed with the property in the warranty deed? A copy of the warranty deed is required to complete the recommendation on this adjudication claim.

This office must receive your response by March 25, 2002. If you have any questions please feel free to contact me at 547-3993.

Sincerely,

Cindy E. Bird
Adjudication Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

January 7, 2002

KARL J. DREHER
DIRECTOR

SMITH RANCH FAMILY PARTNERSHIP

2651 2551 KELLY TOPONCE RD

BANCROFT ID 83217

RE: Snake River Basin Adjudication (SRBA)
Notices of Claims to a Water Right #29-126, 29-2302, 29-2545,
25-4006 and 29-7028

Dear Claimant:

We have processed your change in ownership of the Notices of Claims referenced above. Thank you for your patience.

Enclosed are copies of your Notices of Claims. Please refer to these record numbers in any future inquiries or correspondence.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your claims.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sally Sherman'.

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosures:

Copies of Notices of Claims Referenced Above

CONVERSATION MEMORANDUM

EMPLOYEE: Cindy Bird

FILE: A29-126

RE: Ownership

DATE: January 4, 2002

NAME OF PARTY

Pauline Bassett

I asked Pauline to verify the ownership of the 13 acres located adjacent to Delmo Smith's property in sections 14 and 23 in township 7 south, range 38 east. There is an additional claim, A29-10260, filed on a portion of the original decreed right A29-126. Delmo Smith filed on the entire diversion rate under water right under A29-126.

15 W. Center St.
Soda Springs, ID 83276
(208) 547-3993
Fax: (208) 547-3939

Idaho Department of Water Resources

Fax

To: Sally Sherman **From:** Cindy Bird
Fax: 1-208-327-5400 **Pages:** 2
Phone: 1-208-327-7862 **Date:** 1-4-02
Re: **CC:**

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ FYI

Please process!

Thanks

CRSind

/ok CB

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.

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 (under the "split" heading), 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
<u>29-7028</u>	<u>A29-7028</u>	☐	_____	_____	☐
<u>29-2545</u>	<u>A29-2545</u>	☐	_____	_____	☐
<u>29-126</u>	<u>A29-126</u>	☐	_____	_____	☐
<u>29-4006</u>	<u>A29-4006</u>	☐	_____	_____	☐
<u>29-2302</u>	<u>A29-2302</u>	☐	_____	_____	☐

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) is 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)

Delmo and Mada Smith Smith

4. New Owner/Claimant(s)

Loren Smith/Smith Ranch Family Partnership

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

2551 Kelly Toponce Road

City, State and ZIP Code

Bancroft, Idaho 83217

New Telephone Number

(208) 648-7384

5. Date you acquired the property

January 9, 1995

WARRANTY DEED

For Value Received Delmo Smith and Mada Smith, husband and wife, hereinafter referred to as "Grantor", whether one or more, does hereby grant, bargain, sell and convey unto Delmo Smith Ranch Family Limited Partnership, hereinafter referred to as Grantee, whether one or more, whose current address is 2629 Kelly Toponce Road, Bancroft, ID 83217 the following described premises, in Caribou County, Idaho, to wit:

See Exhibit "A."

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all incumbrances and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 6 day of May, 1997.

Delmo Smith
Delmo Smith
Mada Smith
Mada Smith

STATE OF IDAHO)

:SS

County of Caribou

On this 6th day of May, 1997, before me, the undersigned Notary Public, in and for said State, personally appeared Delmo Smith and Mada Smith, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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



Terrie Crossley
NOTARY PUBLIC-STATE OF IDAHO
My Commission Expires: 8/10/2001

EXHIBIT "A"

All in Township 7 South, Range 38 EBM in Caribou County, Idaho

Parcel 24970:

All of SW $\frac{1}{4}$ East of Road 78, Section 26. ✓

Parcel 24700:

W $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14. ✓

Parcel 2463B:

Lots 3 and 4, W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Section 12. ✓

Parcel 24740:

SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15. ✓

Parcel 24990:

S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 27. ✓

Parcel 24820:

NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24. ✓

Parcel 2497A:

W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 26. ✓

Parcel 24790

Township 7 South, Range 38 East of the Boise Meridian:

Section 23: Beginning at the Southeast corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, and running
thence Northwesterly along a ditch, 980 feet, more or less, to an existing
fence line;
thence Northeasterly along said fence line, 1910 feet, more or less, to a
point on the West 1/16th line, which point is 2060
feet, more or less, North of the point of beginning;
thence South along the West 1/16th line, 2060 feet, more or less, to the
point of beginning.

Township 7 South, Range 38 East of the Boise Meridian:

Section 23: Beginning at a point 1300 feet South of the Northwest corner of the
 $SE\frac{1}{4}NW\frac{1}{4}$, and running
 thence South 600 feet;
 thence North $26^{\circ}33'54''$ East 670.82 feet, more or less, to the latitudinal
 center line;
 thence West 300 feet,
 to the point of beginning.

Parcel 2476A

Township 7 South, Range 38 East of the Boise Meridian:

Section 22: A tract of land in the $N\frac{1}{2}N\frac{1}{2}$ of said Section 22, more particularly described
 as follows:

Beginning at the Northeast corner of the $NW\frac{1}{4}NE\frac{1}{4}$ of Section 22, township
 and range aforesaid, and running
 thence South approximately 940 feet to an existing fence line;
 thence in a Northwesterly direction along an existing fence line
 approximately 1,550 feet;
 thence in a Northerly direction along an existing fence line approximately
 250 feet to the North section line of said Section 22;
 thence East approximately 1,360 feet along said section line to the point of
 beginning.

Parcel 24810

Township 7 South, Range 38 East of the Boise Meridian:

Section 14: $W\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$.

Section 15: $SE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$

Section 23: $W\frac{1}{2}NW\frac{1}{4}$, $N\frac{1}{2}NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$, excepting therefrom;
 Beginning at a point 2221.5 feet East and 25 feet South of the Northwest
 corner of Section 23, and running thence South 290.4 feet; thence East 150
 feet; thence North 290.4 feet; thence West 150 feet, to the point of
 beginning.

Also, excepting therefrom: Beginning at a point 400 feet North of the
 Southeast corner of $NE\frac{1}{4}NW\frac{1}{4}$, and running thence West 220 feet; thence

North 130 feet; thence East 220 feet; thence South 130 feet, to the point of beginning.

Also excepting therefrom: NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.

Section 24: NW $\frac{1}{4}$ NW $\frac{1}{4}$.

Together with: 2400 shares of Topons Canal Company Decreed right from King Creek 1 cfs with June 17, 1902, priority date and License No. 29-7028.

STATE OF IDAHO } ss. 154470
County of Caribou }

I hereby certify that this instrument was filed at the request
of Thomas J. Holmes
at 4:50 o'clock P m this 17th day of
June, 19 97 in my office and duly

recorded in Microfilm Records:

Recorder: Edie Izatt

Ex-Officio Recorder

Senise Treusler
Deputy 1200



SEE PAGE 25

Caribou County, Idaho



Highway 39 West - P.O. Box 905 - Blackfoot

TTS RESE

39.9

HEL

136.1

893

10.1
T514

2
14.7

FW

5

40.2

HEL

6

23.0

FW

7

16.3

8

10.7

9

49.2

HEL

14.1

T. 273

1
76.2
T. 1095

Delmo
Smith

HEL

31.6

17.8

FW

893

FILED

**AMENDED AND RESTATED
CERTIFICATE OF LIMITED PARTNERSHIP**

To the Secretary of State of Idaho,
Statehouse, Boise, Idaho 83720



The existing name of the limited partnership is: Delmo Smith Ranch Family Limited

Partnership

The date on which its certificate of limited partnership was filed with the Secretary of State

was: January 9, 1995

The certificate of limited partnership is amended and restated to read:

1. The name of the limited partnership is:

Smith Ranch Family Limited Partnership

(must include "Limited Partnership")

2. The name and business address of the registered agent are:

Loren Smith 2651 Kelly Toponce Rd Bancroft, ID 83217
(not a P.O. Box)

3. The name and business address of each general partner are:

Name

Address

Mada Smith

2629 Kelly Toponce Road, Bancroft, ID 83217

Loren Smith

2651 Kelly Toponce Road, Bancroft, ID 83217

Dean Smith

826 Wood Road, Bancroft, ID 83217

(If more space is needed, continue in item 5.)

4. The latest date on which the partnership will dissolve is: December 31, 2024

5. Other matters (optional):

6. Signature of at least one general partner and all new general partners:

Mada Smith
Loren Smith
Dean Smith

IDAHO SECRETARY OF STATE

01/14/2000 09:00
CK: 14498 CT: 2982 BH: 281673

1 @ 30.00 = 30.00 RESTAT LP # 2

L 2660

CERTIFICATE OF LIMITED PARTNERSHIP

To the Secretary of State of Idaho,
Statehouse, Boise, Idaho 83720



SEC. OF STATE

95 JAN 9 PM 2 35

1. The name of the limited partnership is: Delmo Smith Ranch Family Limited Partnership
(Must include, without abbreviation, the words "Limited Partnership.")

2. The name and business address of the registered agent are:

Loren Smith, 2651 Kelly Toponce Road, Bancroft, ID 83217

(not a P.O. Box)

3. The name and business address of each general partner are:

Name Address

Delmo Smith 2629 Kelly Toponce Road, Bancroft, ID 83217

Mada Smith 2629 Kelly Toponce Road, Bancroft, ID 83217

(If more space is needed, continue in item 5.)

4. The latest date on which the partnership will dissolve is: December 31, 2024

5. Other matters (optional):

6. Signatures of all general partners:

Delmo Smith

Mada Smith

Secretary of State use only

IDAHO SECRETARY OF STATE

19950109 0900 55285 2

CK #: 10470 CUST# 2382

CORP

1@ 100.00= 100.00

WR5809NP
No. 29-00126

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/17/01
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN C. WHITE	06/17/1902	IRRIGATION	04/15 09/15	1.000 CFS	
TOTAL DIVERSION:					1.000 CFS	

Water Source: KING CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion: T07S R38E S15

SWSE

CARIBOU County

Place of use Legal Description for: IRRIGATION

T	R	S	NE				NW				SW				SE				SUM
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
07S	38E	14																	
07S	38E	23	I					I											
07S	38E	24								I									

Pou County: CARIBOU

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

29-00103 29-00104 29-00105 29-00106 29-02003 29-02228 29-07028

Remarks: GEN AS PER TRANS. #1037.

Dates:	App. Received:	Priority Date:	06/17/1902
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 29 Field Exam Fee:

Audit: 07/15/85 05/22/88 CONVERT

5/18/01 Assessors office

Delmo Smith Family L. Partnership
Owners

Water Right Report

[Close](#)

12/12/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

WATER RIGHT NO. 29-126

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DELMO SMITH
Current Owner	MADA SMITH
	2629 KELLY TOPONCE RD
	BANCROFT, ID 83217
	(208)648-7774
Original Owner	JOHN C WHITE
Original Owner	THOMAS J NIPPER
	BANCROFT, ID 83217

Priority Date: 06/17/1902

Basis: Decreed

Status: Active

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

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/15	9/15	1 CFS	
Total Diversion			1 CFS	

Location of Point(s) of Diversion:

KING CREEK	SESWSW	Sec. 15	Township 07S	Range 38E	CARIBOU County
------------	--------	---------	--------------	-----------	----------------

IRRIGATION Use:

Acre Limit: 141

Place(s) of use:

Place of Use Legal Description: IRRIGATION CARIBOU County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	38E	14		SWSW	16									
		23		NENE	39		NWNE	37						
				NENW	10									
		24		NWNW	39									

Total Acres: 141

Remarks:

1.	General	AS PER TRANS. #1037.
----	---------	----------------------

Dates:

Licensed Date:

Claim Received Date:

Decreed Date: 08/06/1932

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number: 29

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

Water Right Report

[Close](#)

12/12/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 29-126

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN C WHITE BANCROFT, ID 83217
Original Owner	THOMAS J NIPPER

Priority Date: 06/17/1902

Basis: Decreed

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>Volume</u>
IRRIGATION	4/15	9/15	1 CFS	
Total Diversion			1 CFS	

Location of Point(s) of Diversion:

KING CREEK	SWSE	Sec. 15	Township 07S	Range 38E	CARIBOU County
------------	------	---------	--------------	-----------	----------------

Place(s) of use:

Place of Use Legal Description: IRRIGATION CARIBOU County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	38E	14		SWSW										
		23		NENE			NWNE							
		24		NENW										
				NWNW										

Remarks:

1.	General	AS PER TRANS. #1037.
----	---------	----------------------

Dates:

Licensed Date:

Decreed Date: 08/06/1932

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 29

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

Close

CLAIM NUMBERS

A29-126

DATE

5/18/01

AGENT

CB

TRANSFER NUMBER

HOMESTEAD ENTRY NO.

CLAIMED ACRE TOTAL

141

GEOGRAPHIC INFO ACRES

				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	07S	38E	14											16					16
GIS	07S	38E	14											15					15
RECOM																			
CLAIM	07S	38E	23	39	37			10											86
GIS	07S	38E	23	39	34			9.5											82.5
RECOM																			
CLAIM	07S	38E	24					39											39
GIS	07S	38E	24					39											39
RECOM																			
CLAIM																			
GIS																			
RECOM																			

B29-POU.SHP

SHAPE NOS.

Union Grain's Elevator Decree:

Transfer 1037 changed the POU. The Claim matches the transfer for the claimed POU.

5/18/01 Assessors office confirms the ownership of Delmo Smith.

B29-POD.SHP

NOS. DESCRIPTION

Fee paid \$50.00

DBF TABLES UPDATED

B29-DBPOU.DBF

B29-DBPOD.DBF

JPEG LAYOUT

D:\Data\Cindy\Forms\GIS-LLIST-29-4SEC-4LINES1.doc

MAY - 4 2001

Log for claim A29-00126

Spatial Dynamics LTD

6/8/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s38e	14	SWSW	16	15	
07s38e	23	NENE	39	39	
07s38e	23	NWNE	37	34	
07s38e	23	NENW	10	9.5	
07s38e	24	NWNW	39	39	
Totals:			141	136.5	

AJ5809NP
No. A29-00126

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 30

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DELMO SMITH	06/17/1902	IRRIGATION	04-15 09-15	1.000 CFS	
C	MADA SMITH					
	BANCROFT ID 83217			TOTAL DIVERSION:	1.000 CFS	
	(208) 648-7774			CONSUMPTIVE USE:		352.50 AFA

Water Source: KING CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion: T07S R38E S15 SESWSW

CARIBOU County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
07S	38E	14																	16.0
07S	38E	23		39		37				10									86.0
07S	38E	24									39								39.0
TOTAL ACRES																			141.0

POU County: CARIBOU

Non-Irrigation Uses: NONE

Other Rights: 29-07028, SHARES IN TOPONS CANAL COMP.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-07028

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00103 A29-00104 A29-00105 A29-00106 A29-07028 A29-10260 A29-10322

Remarks: GEN AS PER TRANS. #1037.

Dates: Exam Made Date: Verified Date: 07/15/1985 Objection Filed Date:

Misc: Water District Number: 29 Field Inspection Flag:
Presumption Flag:

Audit: 01/17/90 MOBILE3 03/29/95 POST-STD

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Nipper, Thomas J.	1.0		29-0126
1037	White, John	1.0	0	29-0126A

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RECEIVED

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of)

John C. White
of
Bancroft, Idaho

ORDER GRANTING TRANSFER

NO. 1037

For a Transfer of Water Right in
the County of Caribou, State of
Idaho

WHEREAS, On the 23rd day of September, 1964, at the Department of Reclamation of the State of Idaho at Boise, Idaho, this matter of the application of John C. White of Bancroft, Idaho, for a transfer of water right came on regularly for hearing, pursuant to the published notice in due and statutory form, and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant with the application shows that the water will be put to a higher and more efficient beneficial use and no one will be injured thereby,

NOW, THEREFORE, IT IS ORDERED, That the said application be, and the same is, HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 7th day of October, 1964.

(SEAL)

s/ CARL E. TAPPAN

CARL E. TAPPAN
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF DECREED WATER RIGHT
TRANSFERRED RIGHT NO. 1037

THIS IS TO CERTIFY, That John C. White, of Bancroft, Idaho, is the owner of and using a certain water right bearing date of June 17, 1902, for 1.0 cubic feet per second of the waters of King Creek, County of Caribou, decreed to Thomas J. Nipper, by decree of Judge John C. Rice of the Fifth Judicial District of the State of Idaho, in and for the County of Bannock, in the case of

UNION GRAIN AND ELEVATOR COMPANY

Plaintiff

vs.

MCCAMMON DITCH COMPANY, et al

Defendants

said decree bearing date of August 6, 1932, and being appurtenant to the following described lands, to-wit:

Lot 4, S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 18,
Lots 1 and 2, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
Section 19, Township 7 South,
Range 39 E.B.M.,

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume No. 5 of Decrees, at Page 755;

That said John C. White, has become the owner of said water right by purchase;

And that now upon the application of John C. White of Bancroft, Idaho, for the transfer of 1.0 cubic feet per second of said water, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 1.0 cubic feet per second of the waters of King Creek upon the above described lands is hereby abandoned, and the lands under such right, and to which the water right HEREBY CONFIRMED shall become appurtenant by this Certificate for irrigation purposes, are described as follows, to-wit:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14; NE $\frac{1}{4}$ NW $\frac{1}{4}$,
N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 23; and NW $\frac{1}{4}$ NW $\frac{1}{4}$,
Section 24, Township 7 South,
Range 38 E.B.M.,

That the said water is to be limited at any given time to an amount actually needed and beneficially used for such purpose and shall not exceed the following amount, to-wit:

1.0 cubic feet per second bearing
date of priority of June 17, 1902,

REC-1037

That the water right hereby transferred has heretofore been conducted through the Nipper Ditch with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, Township 7 South, Range 38 E.B.M.,

That the water right hereby transferred will hereafter be conducted to the last above described lands through applicant's own ditch with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 7 South, Range 38 E.B.M.,

That the right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 7th day of October, 1964.

(SEAL)

s/ CARL E. TAPPAN

CARL E. TAPPAN
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of)

John C. White
of
Bancroft, Idaho

ORDER GRANTING TRANSFER

NO. 1037

For a Transfer of Water Right in
the County of Caribou, State of
Idaho

WHEREAS, On the 23rd day of September, 1964, at the Department of Reclamation of the State of Idaho at Boise, Idaho, this matter of the application of John C. White of Bancroft, Idaho, for a transfer of water right came on regularly for hearing, pursuant to the published notice in due and statutory form, and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant with the application shows that the water will be put to a higher and more efficient beneficial use and no one will be injured thereby;

NOW, THEREFORE, IT IS ORDERED, That the said application be, and the same is, HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 7th day of October, 1964.

(SEAL)

s/ CARL E. TAPPAN

CARL E. TAPPAN
State Reclamation Engineer

MAILED

That the water right hereby transferred has heretofore been conducted through the Wipper Ditch with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, Township 7 South, Range 38 E.B.M.,

That the water right hereby transferred will hereafter be conducted to the last above described lands through applicant's own ditch with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 7 South, Range 38 E.B.M.,

That the right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 7th day of October, 1964.

(SEAL)

s/ CARL E. TAPPAN

CARL E. TAPPAN
State Reclamation Engineer

RECORDED

568 - 8-6-32

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF
BARNES

UNION GRAIN & ELEVATOR COMPANY, a corporation
Plaintiff,

-vs-

McCannan Ditch Co., a corporation, Defendants

McCannan Ditch Company, a corporation; Portneuf Irrigating Company, a corporation; Sunnyside Ditch Company, a corporation; Topaz Irrigation Company, a corporation; Lemsey Irrigation Company, a corporation; Toponce Canal Company, Limited, a corporation; Portneuf-Marsh Valley Canal Company, Limited, a corporation; Portneuf-Marsh Valley Irrigation Company, a corporation; Oregon Short Line Railroad Company, a corporation; Elmeroth-Kingman, Administratrix of the estate of Harry B. Kingport, deceased; George Goodenough, William Lewis, Edward Murphy, C. C. Peeples, Charles West, A. J. Enellin, W. A. Hibner, Andrew Cutler, W. A. Barron, George Romrell, Frank Warner, John Symons, Joseph Simons, C. J. Palmer, W. W. Cooper, John Hall, Roe White, William Bell, Patrick Bell, J. F. Dunn, Charles J. McGuinn, Leslie Gillett, and Fish Creek Irrigating Company, a co-partnership composed of John Hall, Charles J. McGuinn, Frank C. Potter, J. F. Dunn and J. A. Gillette,

Defendants.

The following parties were upon application of the attorneys for the plaintiff, by reason of the facts in such cases made and provided, after and heard in as parties defendant in order that a complete determination of the controversy, could be had, to-wit:

Ray Faulkner, Reptier Sessions, Thomas J. Nipper, Stephen Grims, George John, Amel Syington, Frank Reed, Smith Ranch (Donald Monson and R. Monson), Charles Syington, James Syington, Noah Reese, Tom Hallinan, George A. Whitworth, J. T. Gittens, George Lewis, Joseph Cutler, Thomas E. Orfield, John Gosh, Fred Johnson, Ira Cail, C. V. Cail, Chris Cail, Carl Loveland, Josiah Loveland, David Butterfield, Andrew Butterfield, Oscar Cail, Earl Holbrook, Chester Cail Estate (Sarah Cail, Administratrix), Arthur Naylor, Byron Perkins, Parley Jensen, Forest Cornfield, West Nile Canal Co., a corporation, I. E. Thompson, Ben D. Johnson, George Allen, J. A. White, John Gosh, Robert Kallora, Earl Logan, Joseph Parvin, Dave Butterfield, Thomas J. Nipper, Thomas J. Nipper, W. Whitworth, John Whitworth, Neal Williams, J. Buckinoff, J. A. Campbell, Peter Barron, Joseph Smith, Earl Moss, E. J. Dalboer, John Cail Estate, a co-partnership composed of C. J. McGuinn, Rebecca Warner, A. E. Hall, John Cail Estate, Thomas F. Terrell, Mrs. J. G. Linton, David Sharp, Lee White, Leslie Bowden, James Kibbed, David Adair, James C. Allen, Mrs. Anna Norton, Lee Merrick, Rebecca Warner, Jay Potter, George Harrison, A. M. Boyce, J. H. Maughn, G. H. Maughn, F. I. Fagnant, Nephil Hemmings, E. V. Briscoe, Clarence Avery, John H. Avery, John Syington, E. E. Godfrey, Albano Avery, Jesse Avery, J. A. Jensen, E. Leo Jensen, Claus Jensen, Arthur Roswell, H. A. Kendall, Ray Blum, Charles Strom, Joseph Bell, Herbert Syington, John Ramsey, H. K. Ward, C. E. Potter, Adrian Campbell, Ira Syington, Alfred Baker, Charley Bell, Ernest Syington, D. A. Monroe Martin, O. K. Egan, A. A. Kolben, Tom H. Ber, Brady Stolpa, Spencer Galt, A. B. Cheney, Bert Lisa, Archie Lion, James Higgins, John H. Fairbanks, Foster, Minnie Minner, Edgar Deane, James T. Benson, Arthur Fopant, Ray Antley, James Roddy, George Chapman, D. E. Merrick, L. S. Wight, Lee

MICROFILMED

287 141 11
 102 June 17 ✓ .72 c.f.s.
 (36 inches)
 103 July 1 ✓ 1.1 c.f.s.
 (54.14 inches)
 104 July 1 ✓ 2.63 c.f.s.
 (134.13 inches)
 105 June 1 ✓ 1.08 c.f.s.
 (54 inches)
 Total 6.36 c.f.s.

ter of the Northwest quarter, Section 35, Township 6 South, Range 38 East. From the Northwest corner of Section 35, said Township and Range, the point of diversion bears South 71 degrees and 10 minutes East 1748 feet, for the irrigation of land described as follows: 5 acres in the Northeast quarter of the Southwest quarter; 10 acres in the Northwest quarter of the Southeast quarter, 5 acres Lot 3; 2 acres in the Southeast quarter of the Southwest quarter; 20 acres in the South east quarter of the Southeast quarter; 22 acres in Lot 4; all in Section 25, Township 6 South, Range 38 East; 33.4 acres in Lot 1; 33.4 acres in Lot 2; Section 36, Township 6 South, Range 38 East: 40 acres in Lot 2; 55.44 acres in the North half of the Northwest quarter, Section 31, Township 6 South, Range 39 East.

KING CREEK, TRIBUTARY TO THE PORTNEUF RIVER.

29-012 14
 93. NIPPER, THOMAS J.
 1902 June 17 (noon) 1.0 c.f.s.

T 1037

Said water to be diverted through the Nipper Ditch which diverts from King Creek in the Southwest quarter of the Southwest quarter, Section 14, Township 7 South, Range 38 East. From the West quarter corner of Section 14, Township 7 South, Range 38 East, the point of diversion bears South 20 degrees East, 1660 feet, for the irrigation of 50 acres of land in the legal subdivision hereinafter described: Lot 4, the Southwest quarter of the Southeast quarter, the Southeast quarter of the Southeast quarter, section 18; Lots 1 and 2, the Northwest quarter of the Northeast quarter, the Northeast quarter of the Northeast quarter, the Southwest quarter of the Northeast quarter, Section 19, Township 7 South, Range 39 East.

SW SW sec 14

94. HILFORTH, MICHAEL
 1902 June 18 .40 c.f.s.

Said water to be diverted through the Howarth Ditch No. 1, which diverts from King Creek in the Southwest quarter of the Southeast quarter, Section 14, Township 7 South, Range 38 East. From the South quarter corner of Section 14, Township 7 South, Range 38 East, the point of diversion bears North 3 degrees 45 minutes East, 430 feet, for the irrigation of 30 acres of land in the South half of the Northeast quarter, section 23; the South half of the Northwest quarter, Section 34, Township 7 South, Range 38 East.

95. KELLEY, E. F.
 1902 June 18 .40 c.f.s.

Said water to be diverted through the said Howarth Ditch No. 1, last above described, for the irrigation of 20 acres of land in the North half of the Southeast quarter, Section 23, and the North half of the Southwest quarter, Section 24, Township 7 South, Range 38 East.

MICROFILMED

MAY 4 2001

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

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

CIVIL CASE NUMBER: 39576

Renumbered 29-13395

Ident. Number: A29-00126

Date Received: 1/17/1990

Receipt No: 11005537

Received By: EW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DELMO SMITH
Address: 208-648-7774
BANCROFT, ID 83217
OR
Name: MADA SMITH
Address: 208-648-7774
BANCROFT, ID 83217
2. Date of Priority: JUN 17, 1902
3. Source: KING CREEK Trib. to: PORTNEUF RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	38E	15	SE	SW	SW		CARIBOU
5. Description of diverting works:
CONCRETE PIPELINE DIVERSION INTO 15" GRAVITY FLOW PIPELINE
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15	1.000	0.80	0.92
7. Total Quantity Appropriated is:
1.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 352.5 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE

A2900126



A29-00126

Page 1

Date: 01/17/90

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NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	38E	14	SW	SW		IRR	~~16.0~~ 36
						Section Acres	16.0
		23	NE	NE		IRR	~~39.0~~ 38
			NW	NE		IRR	~~37.0~~ 33
			NE	NW		IRR	~~10.0~~ 5
						Section Acres	86.0
		24	NW	NW		IRR	~~39.0~~ 38
						Section Acres	39.0
						Total Acres	~~141.0~~ 150

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:
29-07028, SHARES IN TOPONS CANAL COMP.

14. Remarks:
AS PER TRANS. #1037.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

UNION GRAIN & ELEVATOR CO.
Decree Plaintiff

vs MCCAMMON DITCH CO. ET. AL.
Decree Defendant

MICROFILMED
NOV 13 1992

16. Signature(s)

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

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Delma Smith* Date: 1/17/90

Date: _____

State of Idaho)
County of Caribou) SS.

Subscribed and sworn (or affirmed) before me this 17 day

of January 19 90

[Signature]
Notary Public

Seal

Residing at _____

RESIDING AT IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES 8-22-1994

My Commission Expires _____

A29-07028

15" PIPELINE HEADING

T
7
S
R38E

Storage
Bin

MICROFILMED

NOV 13 1932