

AJ0749NP
No. R35-04240

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 10/23/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	VESTA SMITH	05/15/1962	IRRIGATION	04-01 10-31	1.44 CFS	
C	SHERMAN N SMITH 2321 W 1400 S STERLING ID 83210 (208) 397-4612					
				TOTAL DIVERSION:	1.44 CFS	

Water Source: UNNAMED DRAIN

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T05S R32E S18

SWSENE

BINGHAM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
05S	32E	17	:					:		01	15		:		01			:					:	17.0
05S	32E	18	:	31			24	:					:					:					:	55.0
																							TOTAL ACRES	72.0

POU County: BINGHAM

Other Rights: 35-07507

Conditions of Approval:

- C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NO. 35-07507 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.60 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 744 AF.

Dates: Exam Made Date: 09/28/1993 Verified Date: Objection Filed Date:

Misc: Water District Number: 01 Field Inspection Flag:
Presumption Flag: C

Comments: Date: 09/29/1993 User-ID: VERNER Subject: COPIED FROM REMARKS
WASTE WATER THAT COMES FROM FARMS TO THE WEST

Date: 10/23/1998 User-ID: ARUBERRY Subject: COPIED FROM REMARKS

SCANNED
AUG 29 2005

AJ0749NP
No. R35-04240

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 10/23/98
PAGE: 2

=====

Comments: Date: 10/23/1998 User-ID: ARUBERRY Subject: COPIED FROM REMARKS
USE OF THIS RIGHT WITH RIGHT NO. 35-07507 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.60 CFS, A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 540 AF, AND TO THE IRRIGATION
OF A COMBINED TOTAL OF 180 ACRES IN A SINGLE IRRIGATION SEASON.

Audit: 10/23/98 ARUBERRY

SCANNED
AUG 29 2005

PROTECTED



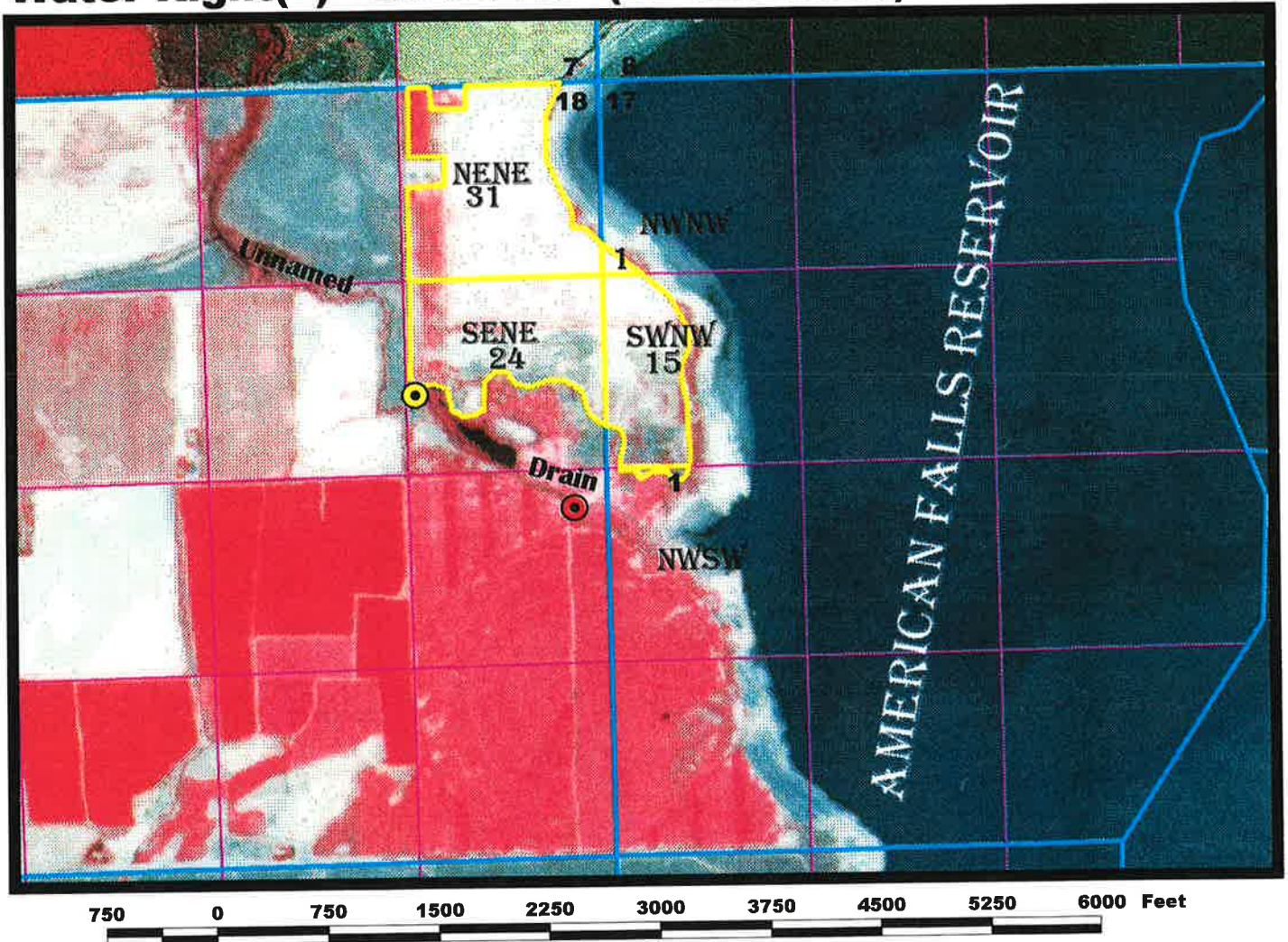
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Sherman Smith

Water Right(s): 35-04240 (as amended)



LEGEND



Point of Diversion



SESE

Place of Use



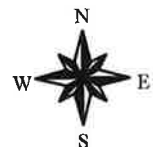
Section Line



Quarter-section line

**Legal Description: T.5S., R.32E.
Sec. 18 (part of) E2NE ,
Sec. 17 (parts of) W2NW , NWSW**

**Point(s) of Diversion: T.5S., R.32E.,
Sec. 18 SWSENE surface water**



GIS Place of Use illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: October 1998

SCANNED

AUG 29 2005

PROFILED



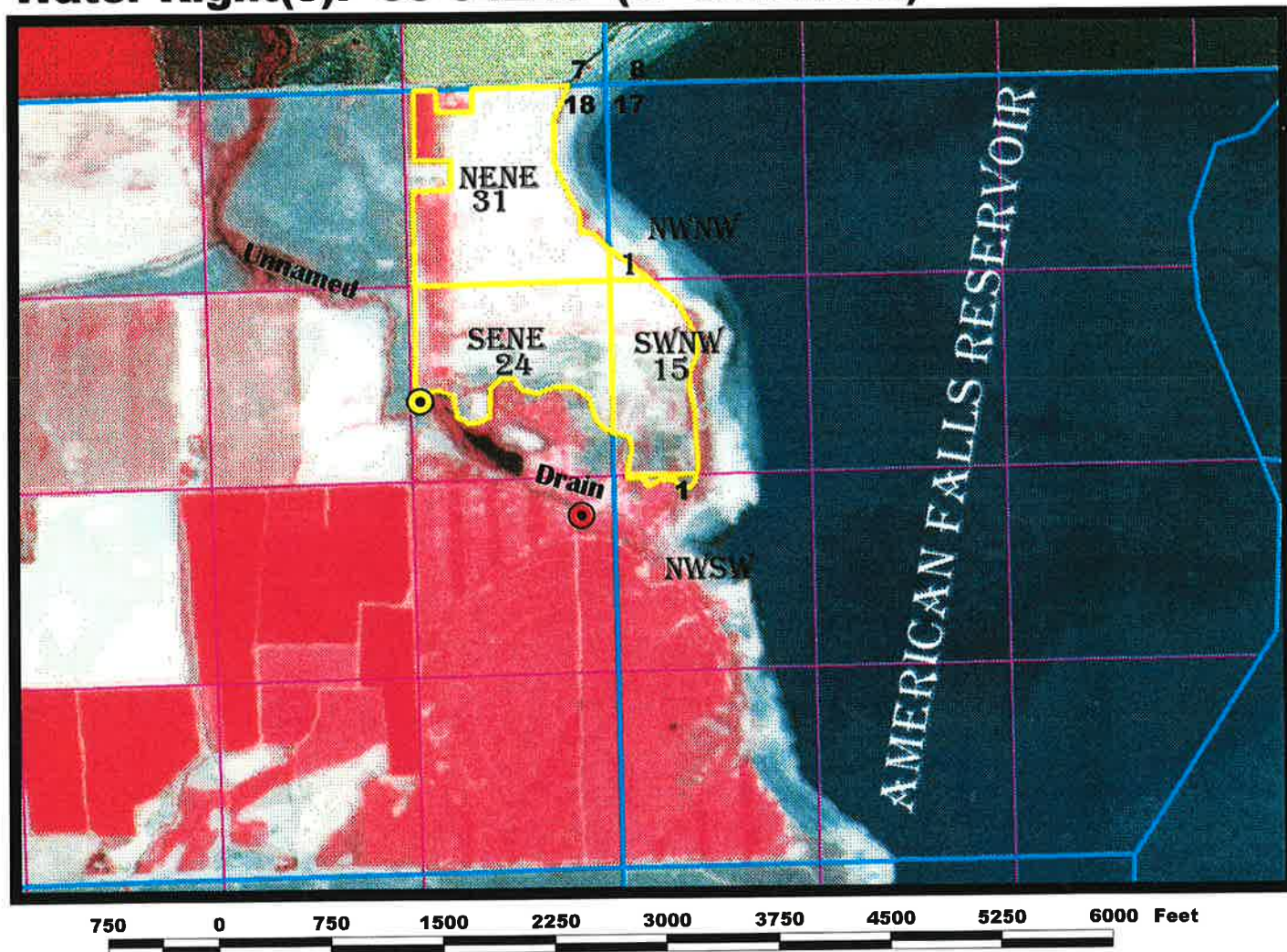
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Sherman Smith

Water Right(s): 35-04240 (as amended)



LEGEND



Point of Diversion

SESE

Place of Use



Section Line



Quarter-section line

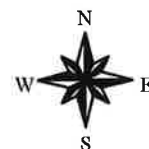
Legal Description: T.5S., R.32E.

Sec. 18 (part of) E2NE ,

Sec. 17 (parts of) W2NW , NWSW

Point(s) of Diversion: T.5S., R.32E.,

Sec. 18 SWSENE surface water



GIS Place of Use illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: October 1998

PROFILED

SCANNED
AUG 29 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:55:03
05/30/91

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A35-04240

LAST: SMITH
ADDRESS: 2321 W. 1400 S.
CITY: STERLING
PHONE NUMBER: 208-397-4612

FIRST: SHERMAN M.

STATE: ID ZIP: 83210

OWNER CODE: C

LAST: SMITH
ADDRESS: 2321 W. 1400 S.
CITY: STERLING
PHONE NUMBER: 208-397-4612

FIRST: VESTA

STATE: ID ZIP: 83210

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: WASTE WATER THAT COMES FROM FARMS TO THE WEST

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: 9/28/93

APPOINTMENT MADE: Y(____) N(____)

TIME: 9:30 A(____) P(____)

ACCOMPANIED BY: SHERMAN SMITH

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: OWNER

DIRECTIONS TO PROPERTY / REMARKS:

MET OWNER @ HIS HOUSE. HE DIRECTED ME TO THE DIVERSION WORKS. I COLLECTED
PERTINENT INFORMATION TO CALCULATE THEORETICAL DIVERSION RATE. DRAIN WAS FLOWING FULL
IN A CHANNEL APPROX 4' X 2' AND FLOWING AN ESTIMATE 2 TO 2.5 F₃/SEC (ESTIMATION).
THE PUMP WAS NOT RUNNING.

MR. SMITH STATED THAT THEY HAVE MOVED THE DIVERSION 3 TIMES TO
IT'S CURRENT LOCATION. HE SHOWED ME THE 2 PREVIOUS DIVERSION POINTS THAT
WERE ABANDONED BECAUSE AMERICAN FALLS P&L FLOODED THEM OUT. THE CURRENT
POINT OF DIVERSION HAS BEEN IN USE SINCE @ LEAST 1980 ACCORDING TO MR. SMITH.
EACH TIME THE DIVERSION WAS MOVED, THE ORIGINAL PUMP AND MOTOR WERE RELOCATED
TO THE NEW POINT OF DIVERSION. THERE ARE NO OTHER APPROPRIATORS BETWEEN
THE ORIGINAL POINT OF DIVERSION AND THE ONE IN USE NOW.

A. AJ CLAIM: # A35-04240 PRIORITY DATE: 05-15-1962

STAGE: 5

B. WR RECORD: # 35-04240 PRIORITY DATE: 05-15-1962

STAGE: S

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

REMARKS: CLAIMANT SUBMITTED HIS OWN AFFIDAVIT STATING THAT HE, IN 1960, PURCHASED
AND HAD INSTALLED A PUMP IN THE TRIBUTARY STREAM TO IRRIGATE THE CLAIMED, 63 ACRE
PLACE OF USE. HE ALSO SUBMITTED A SIGNED "CONVENTION OF SALE CONTRACT" FOR DATED
7/1/1960 FOR THE PURCHASE OF THE PUMPING EQUIPMENT. THE CONTRACT MENTIONS
THE LOCATION OF THE PUMP STATION IS E 1/2 SE 1/4 SEC 18 T 5S R 32E. THIS MATCHES THE
CLAIMED POD. GIVEN THIS EVIDENCE, I RECOMMEND PRIORITY DATE OF 5-15-1962 AS CLAIMED.

RECOMMENDED PRIORITY DATE:
05-15-1962

REVIEWED BY SES

DATE 1/28/93

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A35-04240	055	32E	18	SW	SE	NE		BINGHAM

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: UNNAMED DRAIN

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
35-04240	055	32E	18		SE	NE		BINGHAM

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
NONE NONE

SOURCE: UNNAMED DRAIN

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y
N

FIELD
EXAMINER
Y
N

REMARKS:

VERIFIED LOCATION IN FIELD WITH APCS PHOTO. LOCATION IS CORRECT AS CLAIMED. SOURCE IS UNNAMED DRAIN PURSUANT TO CLAIM.

POINT OF DIVERSION WAS CHANGED PRIOR TO 1980 FROM W/1 THE NE/4 SEC 18 TO ITS CURRENT LOCATION. THE CHANGE MOVED THE DIVERSION UP STREAM APPROXIMATELY 1000'. THERE ARE NO OTHER DIVERSIONS BETWEEN THESE POINTS.

RECOMMEND AN ACCOMPLISHED CHANGE OF POD W/ CONDITION CDS. NO INJURY HAS OCCURRED DUE TO THIS CHANGE (SEE Pg 1).

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
SS	32E	18	SW	SE	NE		BING

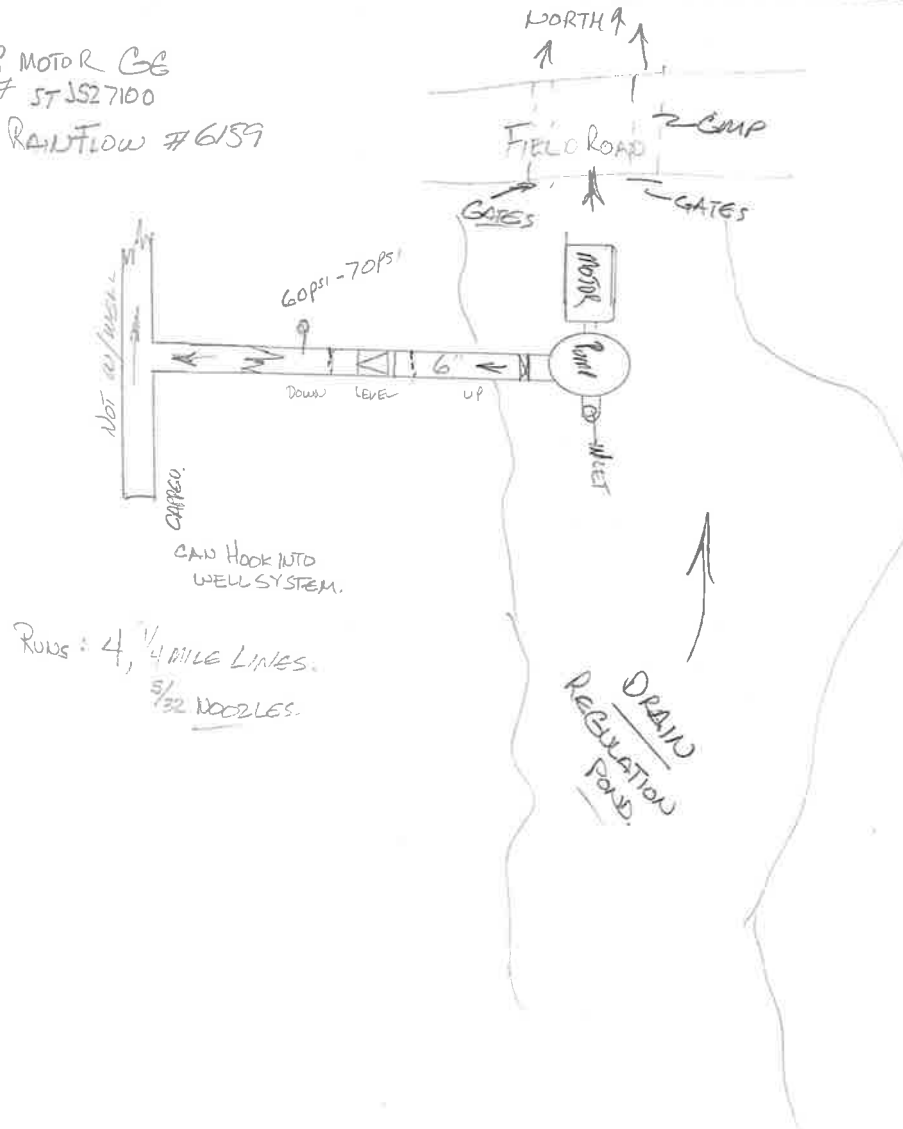
SOURCE: UNNAMED DRAIN

TRIB: SNAKE RIVER

REVIEWED BY: *ESV*

DATE: 9-28-93

40HP MOTOR GG
5TJ527100
PUMP: RAINTLOW # 6159



THEORETICAL DIVERSION CAPACITY:

$$Q = \frac{HP(8.8143) E}{H + (PSI \times 2.708)}$$

$$HP = 40$$

$$E = 70\%$$

$$PSI = 65$$

$$H = 10' \text{ (LIFT PLUS "DESIGN" HEAD)}$$

$$Q = \frac{40(8.8143) \cdot 70}{10 + (65 \times 2.358)} = \frac{246.80}{160.02} = 1.54 \text{ cfs}$$

IF 4, 1/4 MILE LINES w/ 33 BARS/LINE RUNS

$$1.54 \text{ cfs} = 5.24 \text{ gal./sec./minute}$$

- THIS IS WITHIN NORMAL LIMITS -

$$\text{Recommended } Q_{cap} = \underline{\underline{1.54 \text{ cfs.}}}$$

A. ROOT WATER RIGHT NUMBERS: A35-04240

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
055	32E	17	SW	NW		SMITH, SHERMAN N.	A35-04240 /15.0	35-04240 /24.0	18.0	15	15
			SW	NW		SMITH, SHERMAN N.	A35-07507 /15.0	35-07507 /17.0			
055	32E	18	NE	NE		SMITH, SHERMAN N.	A35-04240 /25.0	35-04240 /20.0	33.0	25	25
			NE	NE		SMITH, SHERMAN N.	A35-07507 /25.0	35-07507 /31.0			
			NE	NE		SMITH, SHERMAN N.	A35-11105 /	- /			
055	32E	18	SE	NE		SMITH, SHERMAN N.	A35-04240 /22.0	35-04240 /30.0	34.0	25	22
			SE	NE		SMITH, SHERMAN N.	A35-07507 /25.0	35-07507 /40.0			
055	32E	17	NW	SW		SMITH, SHERMAN N.	A35-04240 /1.0	- /	13.0	11	1
			NW	SW		SMITH, SHERMAN N.	A35-07507 /11.0	35-07507 /12.0			
TOTAL ACRES							A35-04240	63.00	74.00	98.00	63

- FARM STEAD
- EQUIPMENT STORAGE
- AMERICAN FAIR RES. LOT
POU NORTH OF DRAIN.
WASTE DRAIN SLOUGH, RES.
NORTH SIDE OF DRAIN

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N(y)
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
Y

PRESUMPTION FLAG:

REMARKS:

VERIFIED PLACE OF USE IN FIELD W/ OWNER USING ASCS PHOTO. PLACE OF USE IS
ON NORTH SIDE OF UDNALGO DRAIN. WATER FROM 35-07507 CAN BE SUPPLIED INTO ~~THE~~ DRAIN
TO BE REINTEGRATED INTO THIS IRRIGATION SYSTEM SO 35-07507 OVER LAPS SAME PLACE OF USE.

Amended AC
See GBS map of
Claim 12 AC.

RECOMMENDATIONS:

TOTAL ACRES:

63

REVIEWED BY:

Ed

DATE:

9-28-93

A. AJ CLAIMED USES:

A35-04240 PURPOSES
IRRIGATION

MONTH/DAY
FROM 04-01 TO 11-01

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
1.260 CFS

1.260 CFS

B. WR RECORDED USES:

35-04240 PURPOSES
IRRIGATION

MONTH/DAY
FROM 04-01 TO 11-01

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
1.480 CFS

1.480 CFS

Amended to 1.94 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

DUE TO WATER-USE DISCREPANCY? (Y/N)
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)

DATABASE	FIELD EXAMINER
N	<u>N</u>
Y	<u>Y</u>
N	<u>Y</u>

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N(Y)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(Y) N() EXPLAIN IN REMARKS, BELOW.

REMARKS:

RECOMMEND PERIOD OF USE = 4/1 TO 10/31
Q-SEE PAGE No. 5. CAPACITY = 1.54 cfs.

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(X) N()

AJ TOTAL CLAIMED DIVERSION RATE: 1.260 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.480 CFS

*** IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. ***
** IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS **
** CLAIMED AND AN EXAM IS NOT REQUIRED, EXPLAIN IN REMARKS. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) Y

FIELD
DATABASE EXAMINER
Y

B.

FLOW MEASUREMENT

MEASUREMENT METHOD THEORETICAL, SEE ATTACHED CALCULATIONS.
PAGE 5

$Q_{CAP} = 1.54 cfs$

C. ARE OTHER WATER RIGHTS USED? Y(Y) N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: 35-07507

LIST ALL RIGHTS WITH A SAME POB AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A35-04240	UNNAMED DRAIN	SMITH, SHERMAN N.	1.260	0.020		
A35-07507	GROUNDWATER	SMITH, SHERMAN N.	3.720	0.020	714.00	3.96

LIST ALL RIGHTS WITH SAME POB BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A35-11105	DOMESTIC	SMITH, SHERMAN N.	FROM 01-01 TO 12-31	.040 CFS	
A35-11105	STOCKWATER	SMITH, SHERMAN N.	FROM 01-01 TO 12-31	.020 CFS	

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1A. IRRIGATION RATE

ACRES 63 X 0.02 CFS/ACRE = 1.26 CFS
(TAKEN FROM P/U REVIEW)

1B. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N(X)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 189.0 AF/A

ACRES 63 X CONSUMPTIVE VOL. AF/A FOR AREA 3.0 =
TOTAL CONSUMPTIVE USE 189 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 63 X DIVERSION VOL. AF/A FOR AREA 4.0 =
TOTAL DIVERSION VOLUME 252 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (INCLUDE LIMITATIONS ON CONSUMPTIVE USE FOR COMBINED RIGHTS.)

COND: C03; REMARKS: E04: 35-07507; 3.60cfs; ~~7.00AF~~; 540CAF; 180ACRES

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
IRRIGATION TOTAL FOR THIS RIGHT	04-01	~~11-01~~	DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
		10-31	1.260	<u>1.26</u>			189.0	
			1.250				189.0	

REVIEWED BY: EEV DATE: 9-28-93

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED	NEEDS REVIEW
☒	☐
☒	☐
☒	☐

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 35-04240

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
1.480

EXAMINER

CFS

SPLITS:

OLD RIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

-

A35-04240

1.260

-

1.26

35-04240

1.480

TOTAL CFS

1.260

1.480

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW SHEET ATTACHED? (Y/N)

DATABASE
N

FIELD
EXAMINER
Y

REMARKS:

Beneficial Use Right

AUTHENTICATION:

SIGNATURE:

NAME OF FIELD EXAMINER:

DATE:

TITLE:

9-29-93

SEA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:55:03
05/30/91

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A35-04240

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV	Y		ESV 9-28-93	N	5,2,1,4	ESV 9-29-93	ESV 9-29-93	ESV 10-6-93
SOURCE			↓	N	5			
PLACE OF USE	Y		ESV 9-28-93					
DIV. AMOUNT CFS/VOLUME	Y			Y	5,6			
CONSUMPTIVE USE	-							
PURPOSES								
PERIOD OF USE				Y	6			
BASIS OF CLAIM	Y							
REMARKS	Y							

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
 ASCS MAP = 2
 WATERMASTER RECORDS = 3
 NAAPP PHOTOS = 4
 FIELD EXAM = 5
 OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

A35-04240
SHERMAN N. SMITH
VESTA SMITH
2321 W. 1400 S.
STERLING



IN 83210

9/22/93
✓ Full B/U EXAM
6011 0500-40-93

5s
32e
18



A3504240

SCANNED

AUG 29 2005

397-4612

Sterling 11.11.11
Male Right - 1st round left
Yuma Co.

SCANNED
PROTECTED
AUG 29 2005

November 20, 1998

**NOTICE OF ERROR
REPLY**

RECEIVED
DEC 16 1998
Department of Water Resources
Eastern Region

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: December 18, 1998

Water right number: 35-04240

VESTA SMITH
SHERMAN N SMITH
2321 W 1400 S
STERLING ID 83210

Daytime Telephone Number: 397-4612
Evening Telephone Number:

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: 12-7-98 SIGNATURE: Sherman N Smith
Please print your name: Sherman N Smith

IDWR Eastern Regional Office, 900 N. Skyline Drive, Suite A, Idaho Falls, ID 83402-1718, (208) 525-7161

PROFILED

SCANNED
AUG 29 2005

SCANNED
AUG 29 2005

[Handwritten mark]

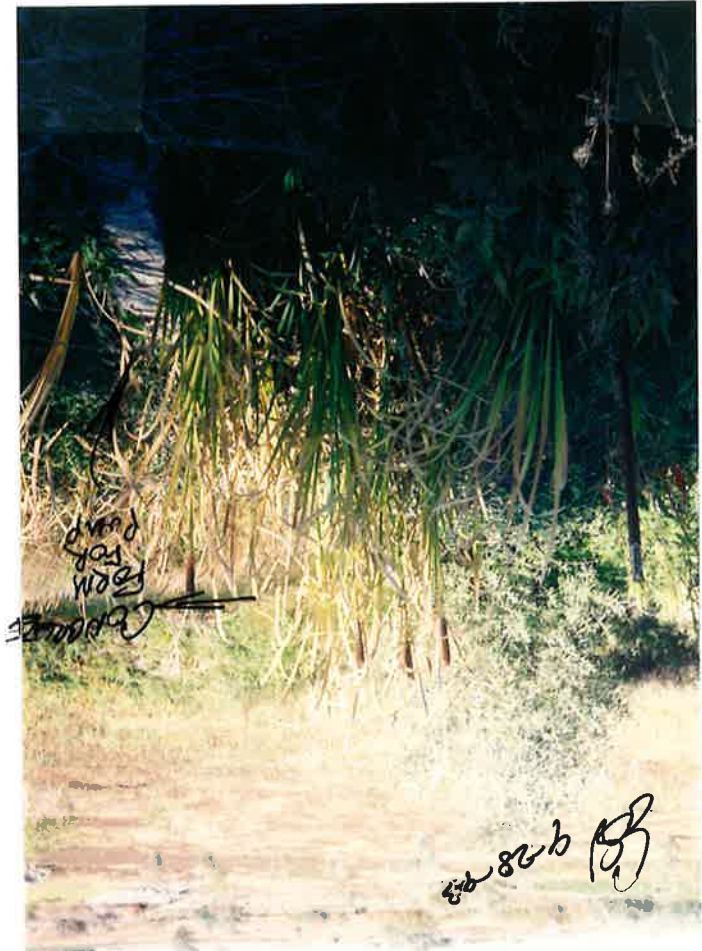
EXAM Photos: A35-04240 SEP 28, 1993 BULLHORN

Point of Division
 Recovered
 Within the
 SUSSE SC. 18
 TSS R32E



9/28/93

Deleatol Point of Division,
 Abandoned.
 TSS R32E 18 DE VSE



9/28/93



9/28/93

2nd Point of Division Abandoned
 TSS R32E 18 DE VSE
 AUG 29 2005

EXAM Photos: A35-04240 SEP 28, 1993 BULLHORN

IN THE MATTER OF:

AFFIDAVIT

Department of Justice
Eastern District Office

No. A35-04240

State of Idaho

County of _____

I, Sherman N. Smith being first duly sworn,
deposes and says: The tributary water has been
flowing through this property prior
to my forty-six years of living here
Primarily this water was used for
livestock, until 1960 when a 40 horse
power pump and system were
installed by Agricultural Services of
Blackfoot to irrigate 63 acres We have
documents verifying this.

Throughout the years we have
supplemented the tributary water from
the shares we own in the Alderson-
Springfield Canal Company

Sherman N. Smith
(Signature)

Subscribed and sworn to before me this 18th day of July, 1971

Paul A. Antik
(Notary Public)

Residing at Asiatic, Idaho
My Commission Expires 2/2/76

Buyer's Name **Sherman Smith**

Address _____

City **Starling** County of **Bingham** State **Idaho**

(Where filing is governed by residence and equipment is in same state, show (a) for individual, his residence address, (b) for corporation, its principal office stated in its charter, and (c) for partnership, its business address and, in the space at the right hereof, the name and residence address of each partner.)

To **Agricultural Services, Inc.**
(Name of Seller)

P.O. Box 627
(Street Address of Seller)

Blackfoot **Idaho**
(City) (State)

Dated: July 1 1991
(Month, Day)

RECEIVED

JUL 1 1991

Department of Water Resources
Eastern District Office

The above-named buyer, meaning all buyers jointly and severally, having been quoted both a time and a cash price, hereby purchases from you, on the terms set forth below, on a time price basis, the following-described personal property, together with all attachments, substitutions, replacements and additions, hereinafter referred to as "equipment":

(Describe equipment fully including make, kind of unit, serial and model numbers and any other pertinent information)

540'- 10" x 30' Aluminum Main line
1320'- 8" x 30' Aluminum Main line
1000'- 6" x 30' Aluminum Main line
6600'- 4" x 40' Aluminum lateral

1- 40 HP Panel w/ time delay, time clock, phase failure relay & fuses.

1- 10" x 45' elbow
1- 10" x 8" reducer
1- 8" x 6" reducer
1- 6" surge plug
1- 8" check valve
1- 10" pump hook-up
1- 40 HP model 4RBLH Pump

165- Rain-trol sprinklers
165- 1" x 21" risers
5- 4" valve openers
5- 4" 90° elbows
5- 4" end plugs

1. Cash Price (if this were a cash sale, including any applicable tax) _____ Total \$ **17,604.00**

2. (a) Cash Down Payment _____ \$ **3,900.00**

(b) Description of and Allowance for Trade-In _____ \$ _____

Description _____ Make and Year _____

Model _____ Serial No. _____

Total of Cash Down Payment and Trade-In [(a) plus (b)] _____ \$ **3,900.00**

3. Unpaid Cash Price (Item 1 minus Item 2) _____ \$ **13,704.00**

4. Fees (specify) _____ \$ _____

5. Unpaid Principal Cash Balance (sum of Items 3 and 4) _____ \$ **13,704.00**

6. Time Price Differential (Finance Charge) _____ \$ **3,193.00**

7. Contract Time Balance owed by Buyer (sum of Items 5 and 6) _____ \$ **16,897.00**

8. Buyer promises to pay said Contract Time Balance in three consecutive {annual} installments of \$ 4,224.25

each, and one final installment of \$ 4,224.25 commencing 1 May (Amount of Each Payment)

on a like date of each {year} thereafter until fully paid. (Date of First Payment) 1991 and then

Time Sale Price (sum of Items (1), (4) and (6)) _____ \$ **20,797.00**

Interest shall be payable at the highest lawful contract rate on each installment and the full unpaid balance after maturity. All payments are due at C.I.T. Corporation's New York office. If any note is taken herewith, it shall evidence indebtedness only and not pay. purchase price is fully paid in money, when ownership shall pass to buyer. Said equipment shall remain personal property, not become part of the freehold, and be kept at:

No. E & W of S.E. 1/4 Sec. 18T, 33 Range 32 County of **Bingham** State of **Idaho**

EBM & W of S.E. 1/4 Sec. 17T, 33S, Range 32 EBM

Buyer agrees to procure forthwith and maintain fire insurance with extended coverage on the equipment for the full insurable value thereof for the life of this contract plus other insurance thereon in amounts and against such risks as you or assigns may specify, and promptly deliver each policy to you or assigns with a standard long form endorsement attached thereto showing less payable to you and assigns as respective interests may appear; your acceptance of policies in lesser amounts or risks shall not be a waiver of buyer's foregoing obligations; to pay reasonable attorney's fees for enforcing rights after buyer's default; to pay promptly all taxes, assessments, license fees and other public or private charges when levied or assessed against equipment or this contract, or any accompanying note; to satisfy all liens against the equipment. If this contract is subject to the law of Indiana, then upon default, buyer will pay such maximum delinquent fees as may be authorized from time to time by regulation of the Department of Financial Institutions of the State of Indiana. Time is the essence: if any of buyer's debt be not paid promptly when due or if equipment be removed or disposed of or encumbered, or if a petition in bankruptcy or for a reorganization or arrangement be filed by or against Buyer under the Bankruptcy Act or any amendment thereto, or for the appointment of a Receiver, or if Buyer makes an assignment for the benefit of creditors, or if any distress, execution or attachment shall be levied upon the equipment, or whenever you or assigns shall deem equipment or the debt insecure, all unpaid installments shall become immediately due and payable and buyer agrees to

return equipment to you or assigns on demand, and you or assigns may, to the extent permitted by law, without notice or legal process enter any premises where equipment may be and take possession of it and retain all prior payments as partial compensation for its use, and equipment may be sold with or without notice at private sale or at public sale, with or without having equipment at the sale, at which you or assigns may purchase, and the proceeds thereof, less expenses of retaking, repairing, holding, reselling and reasonable attorney's fees (15% of the unpaid balance, if not prohibited by law), credited upon the amount unpaid and buyer will pay the balance forthwith as liquidated damages for the breach of this contract, any surplus, however, to be paid to buyer.

Waiver of any default shall not be a waiver of any other default; all your rights are cumulative and not alternative. If you assign this contract you shall not be assignee's agent for any purpose: buyer will settle all claims, defenses, set-offs and counterclaims it may have against you, directly with you, and not set up any thereof against your assignee, you hereby agreeing to remain responsible therefor; no waiver or change in this contract, or related note shall bind such assignee unless in writing signed by one of its officers. Upon full payment of this contract, assignee may deliver all original papers to you for buyer. Buyer waives all exemptions and homestead laws and acknowledges receipt of a true copy hereof.

No oral agreement, guarantee, promise, representation or warranty shall be binding.

ACCEPTED:

AGRICULTURAL SERVICES, INC.

By Sherman B. Smith

Signature
of
Seller

President

(If Corporation give official title. If Owner or Partner, state which.)

(If used in Connecticut or Idaho, execute acknowledgments on reverse side of Original for Filing)

Sherman Smith

(Signature of Individual or name of Corporation or Partnership)

Title _____

(If Corporation, have signed by President, Vice-President or Treasurer and give official title. If Owner or Partner, state which.)

Signature
of
Buyer

COPY FOR CUSTOMER

17-Jun-1991

SHERMAN N & VESTA SMITH
2321 W 1400 S
STERLING ID 83210

RE: **Evidence of Priority**
NO. A35-04240

Dear Claimant:

The Notice of Claim identified with the number shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is based on "Beneficial Use" or a "Statutory Claim". 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.

For your reference I have provided a printout of your Notice and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the 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 this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the required evidence supporting the priority date by JULY 15, 1991, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

PROFILED

SCANNED
AUG 29 2005

MICROFILMED
DEC 10 1992

SHERMAN N & VESTA SMITH
A35-04240

page 2

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. Every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Eric Verner
Senior Water Agent

EV:rb

Enc. Brochure on "Evidence of Priority"
Proof Report

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NO. OF CLAIMS IN POLYGON _____

TRANSFER NUMBER _____

CLAIM NUMBERS 35-04240 _____

DATE _____

OBJECTION FILED _____

AGENT _____

TOTAL ACRES FROM RECOMMENDATION 180⁰⁰GEOGRAPHIC INFO SYSTEM 184⁰⁰

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM	55	32E	17							15			11	27					
GIS										15			12	27					
RECOM			18	25			25									37			40
GIS				28			26									37			39
RECOM																			
GIS																			
RECOM																			
GIS																			

UPDATED

POLYGON #

UPDATED

B35-DBPOU.DBF _____

ATTRIBUTES OF B35-POU.SHP () _____

B35-DBPOD.DBF _____

ATTRIBUTES OF B35-POD.SHP () _____

Claimant:

UNNAMED DRAINSherman SmithP.O.D./Source # G.W. S.W.2321 W 1400STownship SS, Range 31E, Sect. 18STERLING RD B32791. SW SE 10E

2. _____

3. _____

Other Rights:

P/U CONFLICT yes () no ()

35-07507

P/D CONFLICT yes () no ()

SENT FOR DECREE yes () no ()

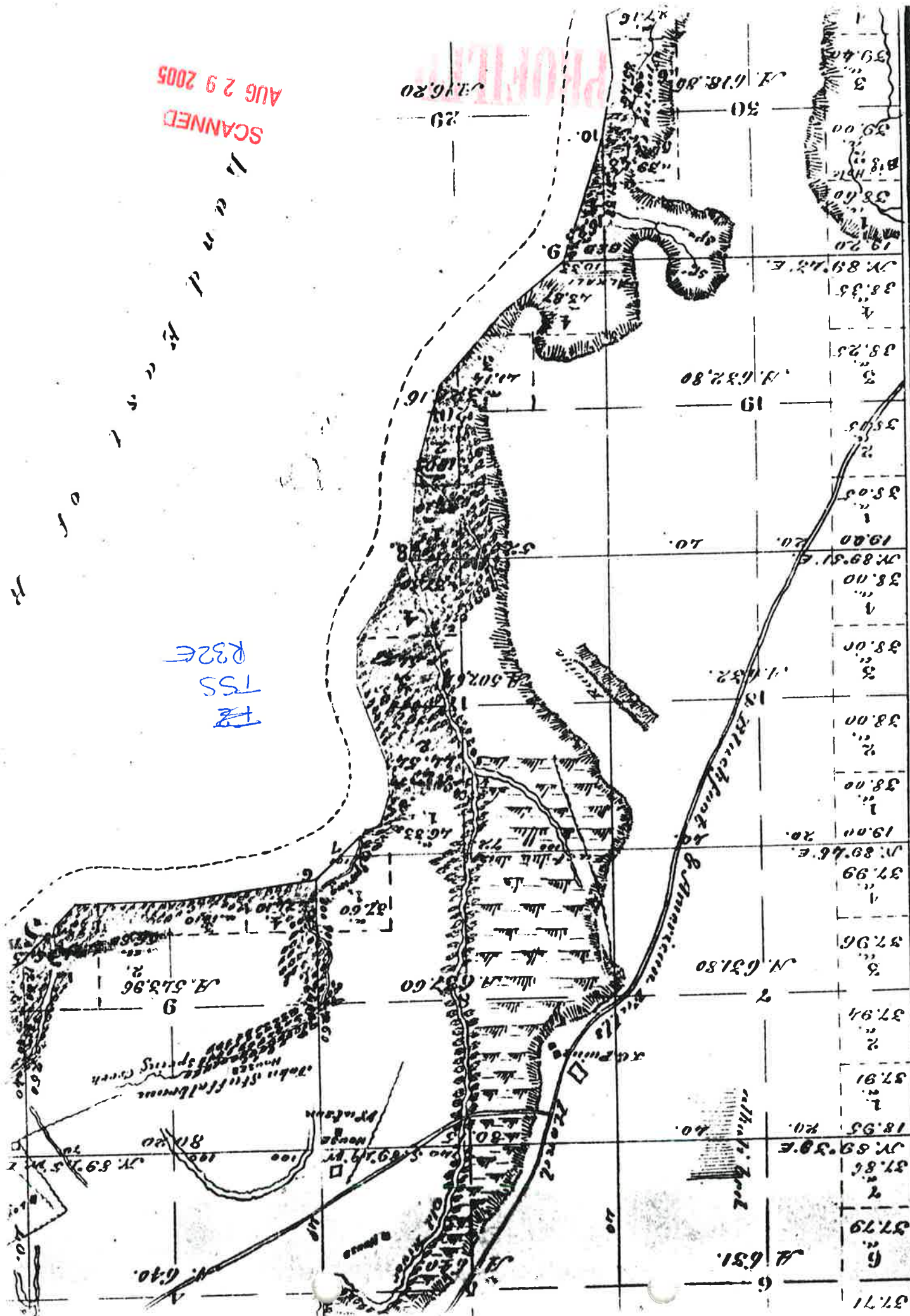
PROFILE

SCANNED

AUG 29 2005

SCANNED

72
TSS
R32E



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: **A35-04240**
Date Received: 5/11/1989
Receipt No: E007345
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: SHERMAN N SMITH 208-397-4612
Address: 2321 W 1400 S
STERLING ID 83210
OR
Name: VESTA SMITH 208-397-4612
Address: 2321 W 1400 S
STERLING ID 83210

2. Date of Priority: MAY 15, 1962

3. Source: UNNAMED DRAIN Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	32E	18	SW	SE	NE		BINGHAM

5. Description of diverting works:
PUMP, SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	1.440		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	32E	17	NW	NW		IRR	1.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	32E	17	SW	NW		IRR	15.0
			NW	SW		IRR	1.0
						Section Acres	17.0
		18	NE	NE		IRR	31.0
			SE	NE		IRR	24.0
						Section Acres	55.0
						Total Acres	72.0

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
35-07507

14. Remarks:

WASTE WATER THAT COMES FROM FARMS TO THE WEST

THIS CLAIM WAS AMENDED TO CONFORM TO GIS ACREAGE.

15. Basis of Claim: STATUTORY CLAIM

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 X 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):

Shannon W. Smith

Date:

10-23-98

Date:

State of Idaho)
County of BONNEVILLE) SS.

Subscribed and sworn (or affirmed) before me this 23rd day
of October 19 98

A. B. RUBERRY
Notary Public

Seal



Residing at PO BOX 1000

My Commission Expires 9/23/2003

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: A35-04240
Date Received: 5/11/1989
Receipt No: E007345
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SHERMAN N. SMITH 208-397-4612
Address: 2321 W. 1400 S.
STERLING, ID 83210

OR
Name: VESTA SMITH 208-397-4612
Address: 2321 W. 1400 S.
STERLING, ID 83210

2. Date of Priority: MAY 15, 1962

3. Source: UNNAMED DRAIN Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	32E	18	SW	SE	NE		BINGHAM

5. Description of diverting works:
PUMP, SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.260		

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

8. Total consumptive use is 189.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A35-04240

Page 1

Date: 05/11/89

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DEC 10 1992

A3504240



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	32E	17	SW	NW		IRR	15.0
			NW	SW		IRR	1.0
					Section Acres		16.0
		18	NE	NE		IRR	25.0
			SE	NE		IRR	22.0
					Section Acres		47.0
					Total Acres		63.0

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
35-07507

14. Remarks:
WASTE WATER THAT COMES FROM FARMS TO THE WEST

15. Basis of Claim: STATUTORY CLAIM

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AUG 29 2005

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DEC 10 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 X 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): Sherman Smith Date: 5-11-89

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 11 day

of May 19 89.

Ernest Carlson
Notary Public

Seal

Residing at Alabo Falls, ID.

My Commission Expires 14 June 1994

PROFILE

SCANNED
AUG 29 2005

MICROFILMED
DEC 10 1992

TWP 5S.
RGE 32E

1A35-07507

E A35-04240

Pump

-Well

A35-07507

face with
104.5

PROFILES

SCANNED

AUG 29 2005

19:20

7 MICROFILMED

DEC 10 1992