

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication **Recommendation** Report 67-4158 V1

WATER RIGHT NUMBER: 67-4158 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ELIZABETH ANN SQUIRES MILL CREEK RD COUNCIL, ID 83612
Original Owner	SHIRLEY A ENGEL 2483 ORCHARD RD COUNCIL, ID 83612-5219 (208)253-4830
Directors Report Owner	DIANE SMITH 11877 GOLDENROD AVE BOISE, ID 83713
Original Owner	GERALD WRIGHT SQUIRES MILL CREEK RD COUNCIL, ID 83612
Original Owner	ED E ENGEL 2483 ORCHARD RD COUNCIL, ID 83612-5219 (208)253-4830
Current Owner	KURT SMITH 2483 ORCHARD COUNCIL, ID 83612 (208) 368-2980

Priority Date: 05/10/1918

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
MILL CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.200 CFS	
	<u>Total Diversion:</u>	0.200 CFS	

Location of Point(s) of Diversion

MILL CREEK	NE1/4SW1/4	Sec. 36, Twp 17N, Rge 01W, B.M.
ADAMS County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	01W	36									26.0								26.0

Total Acres: 26

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-4158 V1

Conditions of Approval:

1. E52 The rights listed below are limited to a total combined diversion rate of 0.52 cfs. Combined Right Nos.: 67-348D, 67-355D, 67-363F, and 67-4158.
2. E56 The rights listed below are limited to the irrigation of a combined total of 26.0 acres in a single irrigation season. Combined Right Nos.: 67-348D, 67-355D, 67-363F, and 67-4158.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

Comments:

1. csaxton 11/25/2005 POD

Comment: The POD is so close to the line that even by measuring by ArcView, I could not determine which 10 acre tract it fell in. Recommend POD only to a 40 acre tract.

2. csaxton 11/25/2005 Copied from claim

Comment: Ownership changed by DH 7/31/2003

Water Supply Bank:

11/25/2005

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

RIGHT NUMBER: 67-4158

NAME AND ADDRESS: DIANE SMITH
11877 GOLDENROD AVE
BOISE ID 83713

KURT SMITH
11877 GOLDENROD AVE
BOISE ID 83713

SOURCE: MILL CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.200 CFS

The rights listed below are limited to a total combined diversion rate of 0.52 cfs. Combined Right Nos.: 67-348D, 67-355D, 67-363F, and 67-4158.

PRIORITY DATE: 05/10/1918

POINT OF DIVERSION:

T17N R01W S36 NESW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.200 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T17N R01W S36 NWSW 26.0

26 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 26.0 acres in a single irrigation season. Combined Right Nos.: 67-348D, 67-355D, 67-363F, and 67-4158.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



Idaho Department of Water Resources

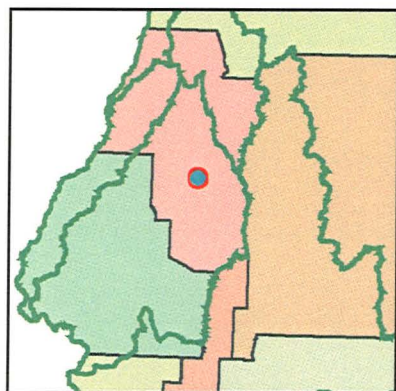
Adjudication Claim Number:

67-348D, 67-355D, 67-363F, 67-4158

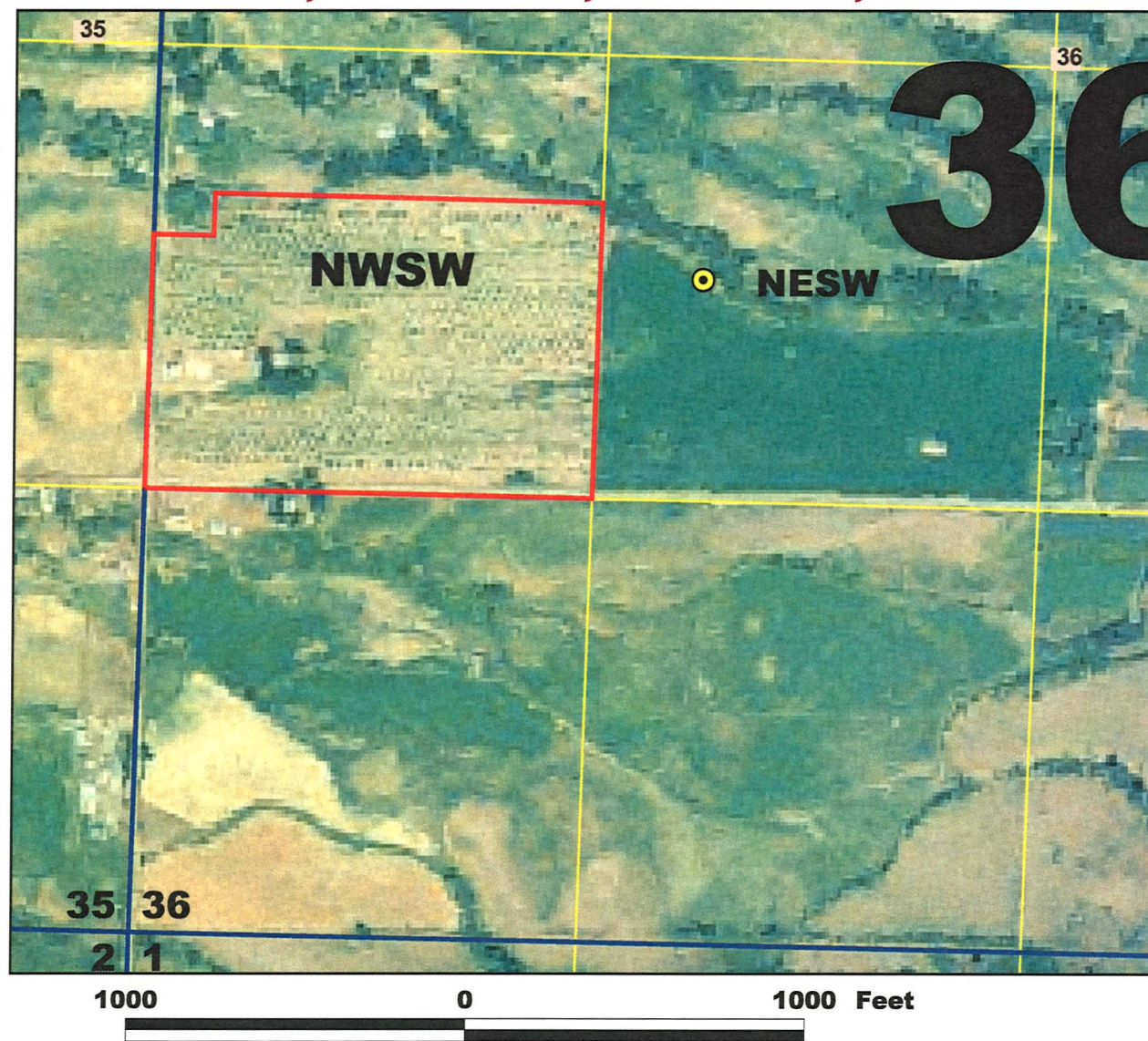
T16N R01W
T17N R01W

Legend

-  Point of Diversion
-  Place of Use
-  B67 sections.shp
-  T16n01w.shp
-  T17n01w.shp



Adams County
IDWR Basin 67



Prepared by C. Saxton
On Friday, November 25, 2005
1987 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4158 V1

WATER RIGHT NUMBER: 67-4158 V1

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Basis: Beneficial Use

Status: Active

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MILL CREEK	WEISER RIVER

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Location of Point(s) of Diversion

MILL CREEK	NE1/4SW1/4	Sec. 36, Twp 17N, Rge 01W, B.M.
ADAMS County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	01W	36																	26.0
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Total Acres: 26

IDAHO DEPARTMENT OF WATER RESOURCES

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Remarks:Comments:

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2. csaxton 11/25/2005 Copied from claim

Comment: Ownership changed by DH 7/31/2003

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	11/25/2005 4:20:47 PM	csaxton			Active
Priority Date	11/25/2005 4:21:40 PM	csaxton			Active
POD	11/25/2005 4:21:58 PM	csaxton			Active
Source	11/25/2005 4:23:42 PM	csaxton			Active
POU	11/25/2005 4:24:09 PM	csaxton			Active
Use	11/25/2005 4:24:38 PM	csaxton			Active
Season	11/25/2005 4:24:55 PM	csaxton			Active
Quantity	11/25/2005 4:27:55 PM	csaxton			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4158 V1

Summary

11/25/2005

csaxton

Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	11/25/2005 4:22:34 PM	csaxton	Updated shape
POD	11/25/2005 4:22:44 PM	csaxton	Updated PLS
Quantity	11/25/2005 4:28:21 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - Per Dave Tuthill, claims for 0.2 cfs or less do not require measurement.
Summary	11/25/2005 4:30:37 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Contacts	11/25/2005 4:21:12 PM	csaxton	(No) 1. Do you want to schedule an appointment?
POD	11/25/2005 4:22:23 PM	csaxton	Comment for 1: Desktop Review (No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4158 V1

General	11/25/2005 4:22:05 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Direct overlap with decreed rights. Recommend one day after Muir vs Allison.
Source	11/25/2005 4:24:08 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Same source as decreed water.
POU	11/25/2005 4:24:34 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Same POU as decreed water - direct overlap
Use	11/25/2005 4:25:04 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Same purpose of use as decreed water.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4158 V1

Season	11/25/2005 4:25:21 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
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Water Supply Bank:

Contacts Data Entry Form**Claim Number: 67-4158**

Owner Type	Full Name	Address	City	State	Zip	Phone
Original Owner	ELIZABETH ANN SQUIRES	MILL CREEK RD	COUNCIL	ID	83612	
Original Owner	SHIRLEY A ENGEL	2483 ORCHARD RD	COUNCIL	ID	83612-521	(208)253-4830
Current Owner	DIANE SMITH	11877 GOLDENROD AVE	BOISE	ID	83713	
Original Owner	GERALD WRIGHT SQUIRES	MILL CREEK RD	COUNCIL	ID	83612	
Original Owner	ED E ENGEL	2483 ORCHARD RD	COUNCIL	ID	83612-521	(208)253-4830
Current Owner	KURT SMITH	11877 GOLDENROD AVE	BOISE	ID	83713	

Date of Field Exam: Desktop Review Time: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

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

Ownership information looks accurate _____

Reviewer: **Craig L. Saxton**Date: **11/25/05**

Priority Date Data Entry Form

Claim Number 67-4158

Claimed Priority Date: 6/1/1878

Claimed Basis: Statutory Claim

☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Priority Date: 6/1/1878

Water Right Basis: Statutory Claim

Recommended Priority Date 5/10/1918

Recommended Basis Beneficial use _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Direct overlap with decreed rights 67-355D, 67-348D, 67-363F. No additional EOP needed to recommend one day after the decree.

Reviewer: Craig L. Saxton

Date: 11/25/05

Point of Diversion and Source Data Entry Form

Claim Number 67-4158

Claimed Point of Diversion and Source

T17N R01W S36 NWNESW Within ADAMS County Source: MILL CREEK WEISER RIVER

X Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T17N R01W S36 NESW Within ADAMS County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

_____	_____
_____	_____
_____	_____

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
17N	1W	36		NESW	Adams	Mill Creek

Other rights from this POD? 67-348D, 67-355D, 67-363F, and 67-4158 _____

Document how the POD and Source were verified:

GPS point taken by Bosco Bosler on 8/2/04: A0014038

Place Of Use Data Entry Form

Claim Number 67-4158

Claimed Place Of Use

T17N R01W S36 NWSW 27.0

Total Acres 27

 Use Claimed POU as Recommended POU

Water Right Place Of Use

T17N R01W S36 NWSW 26.0

Total Acres 26

Recommended Place of Use

 See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
17N	1W	36	NWSW		Adams		26.0	Irrigation

Total Acres 26.0

Document how the POU was verified:

1987 NAPP photography, Adams Co Tax Lot Data, and claimant map.

Reviewer: Craig L. Saxton

Date: 11/25/05

Purpose of Use Data Entry Form

Claim Number 67-4158

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

☒ 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
IRRIGATION			

Recommended Purpose of Use

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

Document how the Purpose of Use was verified:

Period of Use and Quantity Data Entry Form

Claim Number 67-4158

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/01	11/01	0.2	

Overall Diversion Rate 0.2 Overall Diversion Volume

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	3/01	11/01	0.2	

Overall Diversion Rate 0.2 Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	3/15	11/15	0.39 <i>0.20</i>	N/A

Overall Diversion Rate 0.39 *0.20* Overall Diversion Volume _____

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

Recommend stat water to bring flood water in combination with decreed water up to 1" per acre for the full irrigation season.

↳ actually, can't do this because it wasn't claimed. Rec 0.20 cfs as claimed.

Claim

Basin	Sequence	Suffix	Basis	Priority Date	Rate(cfs)	Acres	Source	Water Use(s)	Owner(s)	Source Table
67	348	D	Decreed	1878-05-01	0.13	27	MILL CREEK	IRRIGATION	SMITH, DIANE (Cur	wrAdjudicationClaim
67	355	D	Decreed	1884-05-01	0.13	27	MILL CREEK	IRRIGATION	SMITH, DIANE (Cur	wrAdjudicationClaim
67	363	F	Decreed	1889-05-01	0.1	27	MILL CREEK	IRRIGATION	SMITH, DIANE (Cur	wrAdjudicationClaim
67	4158		Statutory C	1878-06-01	0.2		MILL CREEK	IRRIGATION	SMITH, DIANE (Cur	wrAdjudicationClaim
67	11430		Decreed	1889-05-01	0.095	27	MILL CREEK	IRRIGATION	SMITH, DIANE (Cur	wrAdjudicationClaim

67	359		Decreed	1889-05-01	0.43		MILL CREEK	IRRIGATION	POYNER, J D (Cur	wrWaterRight
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Not claimed but applicable to the claimants property. However, looking at water master delivery records, it appears that 67-359 is delivered to Balderson in full and "in the field" is not applicable to Smiths property

Water master records					Inches			Priority
22	P17N01W3612	BALDERSON, G	\$ 17.20	\$15.06	21.5	359	POYNER	5/1/89

Recommendation

Basin	Sequence	Suffix	Basis	Priority Date	Rate(cfs)	Acres	Source	Water Use(s)	Owner(s)	Source Table
67	348	D	Decreed	1878-05-01	0.13	26	MILL CREEK	IRRIGATION	SMITH, DIANE (Cur	wrAdjudicationClaim
67	355	D	Decreed	1884-05-01	0.11	8.8	MILL CREEK	IRRIGATION	SMITH, DIANE (Cur	wrAdjudicationClaim
67	363	F	Decreed	1889-05-01	0.095	7.6	MILL CREEK	IRRIGATION	SMITH, DIANE (Cur	wrAdjudicationClaim
67	11430		Decreed	1889-05-01	0	0	MILL CREEK	IRRIGATION	SMITH, DIANE (Cur	wrAdjudicationClaim

Sum CFS: 0.335

Inches = 16.75

@ 5/8" = 26.8 Acres

Recommend Stat water to bring flood water in combination with decreed water up to 1" per acre for the full irrigation season - no EOP needed.										
67	4158		Statutory C	1878-06-01	0.39	26	MILL CREEK	IRRIGATION	SMITH, DIANE (Cur	wrAdjudicationClaim

0.20

Disallow: Re-claims 67-363 which is covered and claims portion of 67-359 which is not applicable to this ground.

Water master records				Inches				Priority
21	P17N01W3654	SMITH, KURT	\$ 5.20	\$4.56	6.5	348-448	TRANS	5/1/78
21	P17N01W3654	SMITH, KURT	\$ 4.40	\$3.86	5.5	449	WH SPAHR	5/1/84

This should be 67-355

This is only 67-348

*Water master doesn't show delivery of 67-355 per TR 884



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 31, 2003

KURT SMITH
DIANE SMITH
11877 GOLDENROD AVE
BOISE ID 83713

Re: Notice of Claim to a Water Right No. 67-348D, 67-363F, 67-355D, 67-4158 & 67-11430

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim(s), please feel free to contact this office.

Sincerely,

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region Office

DH: dh

Enclosure

STATE OF IDAHO

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Gerald Wright Squires - Elizabeth Ann Squires
(name of claimant)
of Trail Creek R12 Council, claims a right to the diversion and beneficial use of
(mailing address)

ground water or surface water tributary to Meisen River

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) _____

- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount 10.00 Use Living Period of Use: From March To Now
 Amount _____ Use _____ Period of Use: From _____ To _____
 Amount _____ Use _____ Period of Use: From _____ To _____
 (cfs, gpm (dom., irr., or a/f) stock, etc.) (both dates inclusive)

- (3) Total quantity of water claimed: _____ cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) users right, 1878

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)

NE ¼ SW ¼, Sec. 36 Twp. 17N Rge. 1W B. M. County of Adams
Additional points of diversion:

- B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. gravity pipelines approx. 200 ft.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

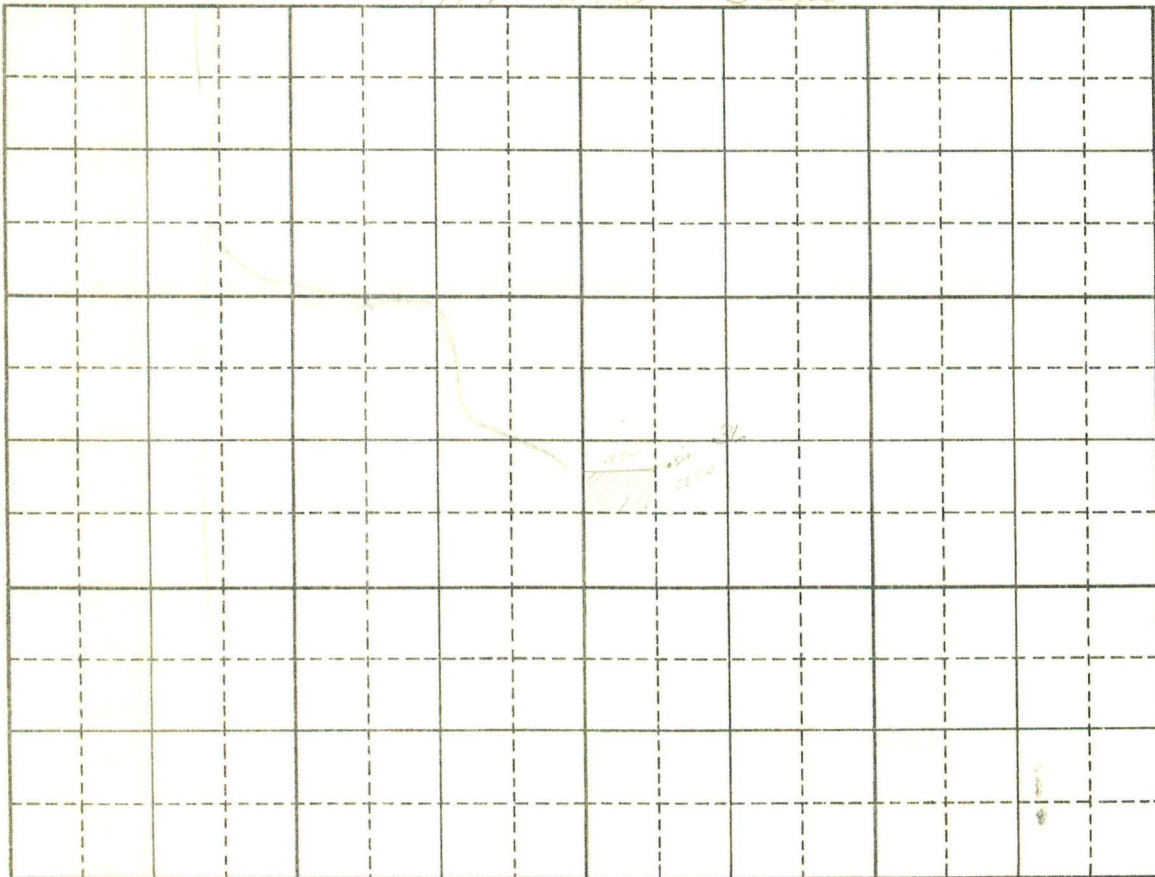
[illegible]

Total No. of acres _____

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____

- (7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

ss.

County of ADAMS

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 4 day of

MAY

Gerald Knight Squires
(Claimant)
19 76

Notary Public

Residing at COUNCIL, IDAHO

My commission expires LIFE TERM

For Department Use Only

Received by <u>DEB</u>	Date <u>5-18-76</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>RW.H</u>	Date <u>5-19-76</u>		claimant by:	
\$10.00 fee received by <u>10.00 RB</u>	Date <u>5-19-76</u>	<u>#3791</u>		
Approved for publication by <u>02</u>	<u>5-20-76</u>	<u>6K 6-14-76</u>		
Published in <u>Idaho County, Idaho, Council</u>				
Dates <u>5-27-76 + 6-3-76</u>				

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication **Claim** Report 67-4158

WATER RIGHT NUMBER: 67-4158

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ELIZABETH ANN SQUIRES MILL CREEK RD COUNCIL, ID 83612
Original Owner	SHIRLEY A ENGEL 2483 ORCHARD RD COUNCIL, ID 83612-5219 (208)253-4830
Directors Report Owner	DIANE SMITH 11877 GOLDENROD AVE BOISE, ID 83713
Original Owner	GERALD WRIGHT SQUIRES MILL CREEK RD COUNCIL, ID 83612
Original Owner	ED E ENGEL 2483 ORCHARD RD COUNCIL, ID 83612-5219 (208)253-4830
Current Owner	KURT SMITH 2483 ORCHARD COUNCIL, ID 83612 (208) 368-2980

Priority Date: 06/01/1878

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
MILL CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/01 to 11/01	0.200 CFS	
	<u>Total Diversion:</u>	0.200 CFS	

Location of Point(s) of Diversion

MILL CREEK	NW1/4NE1/4SW1/4	Sec. 36, Twp 17N, Rge 01W, B.M.
ADAMS County		

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N 01W 36																	27.0

Total Acres: 27

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 67-4158

Conditions of Approval:

1. Ownership changed by DH 7/31/2003

Remarks:

Comments:

1. segbert 8/4/2004 POD
Comment: Correlated PODID 191098 from SpatialDataID 343004.0000000 to SpatialDataID 62061
2. segbert 8/4/2004 POD
Comment: Correlated PODID 191098 from SpatialDataID 343004.0000000 to SpatialDataID 62061

Water Supply Bank:

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 67-4158
Date Received: 1/4/1990
Receipt No: C013818
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

KURT SMITH
11877 GOLDENROD AVE
BOISE ID USA 83713

Phone: (208) 377-9319

DIANE SMITH
11877 GOLDENROD AVE
BOISE ID USA 83713

Phone: (208) 377-9319

2. Date of Priority: 06/01/1878

3. Source: MILL CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
17N	01W	36	NW	NE	SW	ADAMS	

5. Description of diverting works:

PIPE, UNDERGROUND STANDPIPE SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/01	11/01	0.2	

7. Total Quantity Appropriated is:
0.2 C.F.S.

8. Total consumptive use:

SCANNED
APR 08 2004

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
17N	01W	36	NW	SW	IRRIGATION	27
					Section Acres	27
					Total Acres	27

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

Ownership changed by DH 7/31/2003

15. Basis of Claim: Statutory Claim

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

RECEIVED**JUL 25 2003****WATER RESOURCES
WESTERN REGION**

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
67-363 F	67-363 F	___	_____	_____	___
67-00348 D	_____	___	_____	_____	___
A67-04158	_____	___	_____	_____	___
A67-00355 D	_____	___	_____	_____	___
A67-11430	_____	___	_____	_____	___

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).

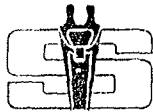
OR

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) ED & SHIRLEY ENGEL
4. New Owner/Claimant(s) HE 62 BOX 1310, COUNCIL, ID, 83612
~~COUNCIL ID 83612~~ KURT & DIANE SMITH
 Name Connector (Check one): [] and, [] or, ☒ and/or
- New Mailing Address 11877 GOLDENROD AVENUE
- City, State and ZIP Code BOISE ID 83713
- New Telephone Number (208) 377-9319
5. Date you acquired the property 5/19/03

INSTRUMENT NO. **103767**
PAGE 1 OF 2

Instrument # **103767**
COUNCIL, ADAMS, IDAHO
2003-05-19 03:09:18 No. of Pages: 2
Recorded for: TIMBERLINE TITLE & ESCROW
MICHAEL FISK
Ex-Officio Recorder Deputy *Sarah J. Wilken*
Index to: DEED



WARRANTY DEED

For Value Received ED ENGEL, AN UNMARRIED MAN AND SHIRLEY ENGEL, AN UNMARRIED WOMAN, WHO ACQUIRED TITLE AS ED ENGEL AND SHIRLEY ENGEL, HUSBAND AND WIFE

the Grantor hereby grants, bargains, sells, conveys and warrants unto KURT B. SMITH & DIANE E. SMITH, husband and wife

the Grantee whose current address is: 11877 Goldenrod Ave., Boise, ID 83713

the following described premises, to-wit:

AS PER LEGAL DESCRIPTION ATTACHED HERETO

Parcel Number: RP17N01W365400A

SUBJECT TO: Current General Taxes, a lien in the process of assessment, not yet due or payable. Easements, restrictions, reservations, provisions of record, and assessments, if any.

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

Dated: May 14, 2003

ED ENGEL

SHIRLEY ENGEL

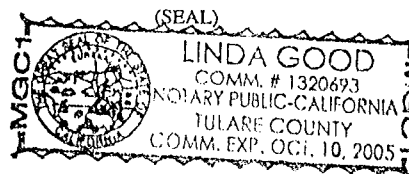
State of California
County of Tulare ss.

On this 15th day of May, 2003, before me, the undersigned, a Notary Public, in and for said State, personally appeared

Shirley Engel, known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that she executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

Notary Public
Residing at: Visalia, Ca
Commission Expires: 10/10/05



Cathy Springer

From: Angie Bumgarner [abumgarner@timberlinetitle.com]

Sent: Wednesday, April 16, 2003 9:11 AM

To: Cathy Springer

Subject: 03-282

Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho
Section 36: A parcel of land situated in the NW1/4SW1/4 of said
section, Township and Range, more particularly described as follows:
Commencing at the Southwest corner of said NW1/4SW1/4 of said
Section, Township and Range;

Thence East on and along the South line of said NW1/4SW1/4 80^{1320'} rods to
the Southeast corner of said NW1/4SW1/4;

Thence North on and along the East line of said NW1/4SW1/4 a distance
of 54 rods; 891'

Thence West parallel to the South line of said NW1/4SW1/4 80^{1320'} rods to
a point on the West line of said NW1/4SW1/4;

Thence South on and along the West line of said NW1/4SW1/4 a distance
of 54 rods to the Real Point of Beginning; 891'

EXCEPTING THEREFROM two tracts of land more particularly described as
follows:

Parcel 1: A strip of land 15 fee wide off of and along the entire
West end of the tract hereinbefore first described.

Parcel 2: Commencing at a point that is 54^{891'} rods North and 15 feet
East of the Southwest corner of said NW1/4SW1/4; said Section,
Township and Range; Thence East 177.44 feet; Thence South 125 feet;
Thence West 177.44 feet; Thence North 125 feet to the point of
beginning of this excepted tract.

SUBJECT TO the MILL CREEK COUNTY ROAD right of way as now
established.

1 rod =
16.5 ft.

4/16/2003

INSTRUMENT NO. 103766
PAGE 1 OF 2

Instrument # 103766

COUNCIL, ADAMS, IDAHO

2003-05-19

03:09:18 No. of Pages: 2

Recorded for: TIMBERLINE TITLE & ESCROW

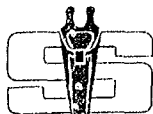
MICHAEL RISK

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: DEED

Sarah Wilson



WARRANTY DEED

For Value Received ED ENGEL, AN UNMARRIED MAN AND SHIRLEY ENGEL, AN UNMARRIED WOMAN, WHO ACQUIRED TITLE AS ED ENGEL AND SHIRLEY ENGEL, HUSBAND AND WIFE

to Grantor hereby grants, bargains, sells, conveys and warrants unto KURT D. SMITH & DIANE E. SMITH, husband and wife

the Grantee whose current address is: 11877 Goldenrod Ave., Boise, ID 83713

the following described premises, to-wit:

AS PER LEGAL DESCRIPTION ATTACHED HERETO

Parcel Number: RP17N01W3E5400A

SUBJECT TO: Current General Taxes, a lien in the process of assessment, not yet due or payable. Easements, restrictions, reservations, provisions of record, and assessments, if any.

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

Dated: May 14, 2003

[Signature]
ED ENGEL

SHIRLEY ENGEL

State of Idaho

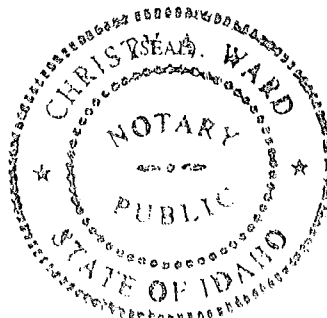
County of Adams ^{ss.}

On this 16th day of May, 2003, before me, the undersigned, a Notary Public, in and for said State, personally appeared Ed Engel

_____, known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that she he executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

Christy C. Ward
Notary Public
Residing at: Indian Valley, ID
Commission Expires: 9-17-04



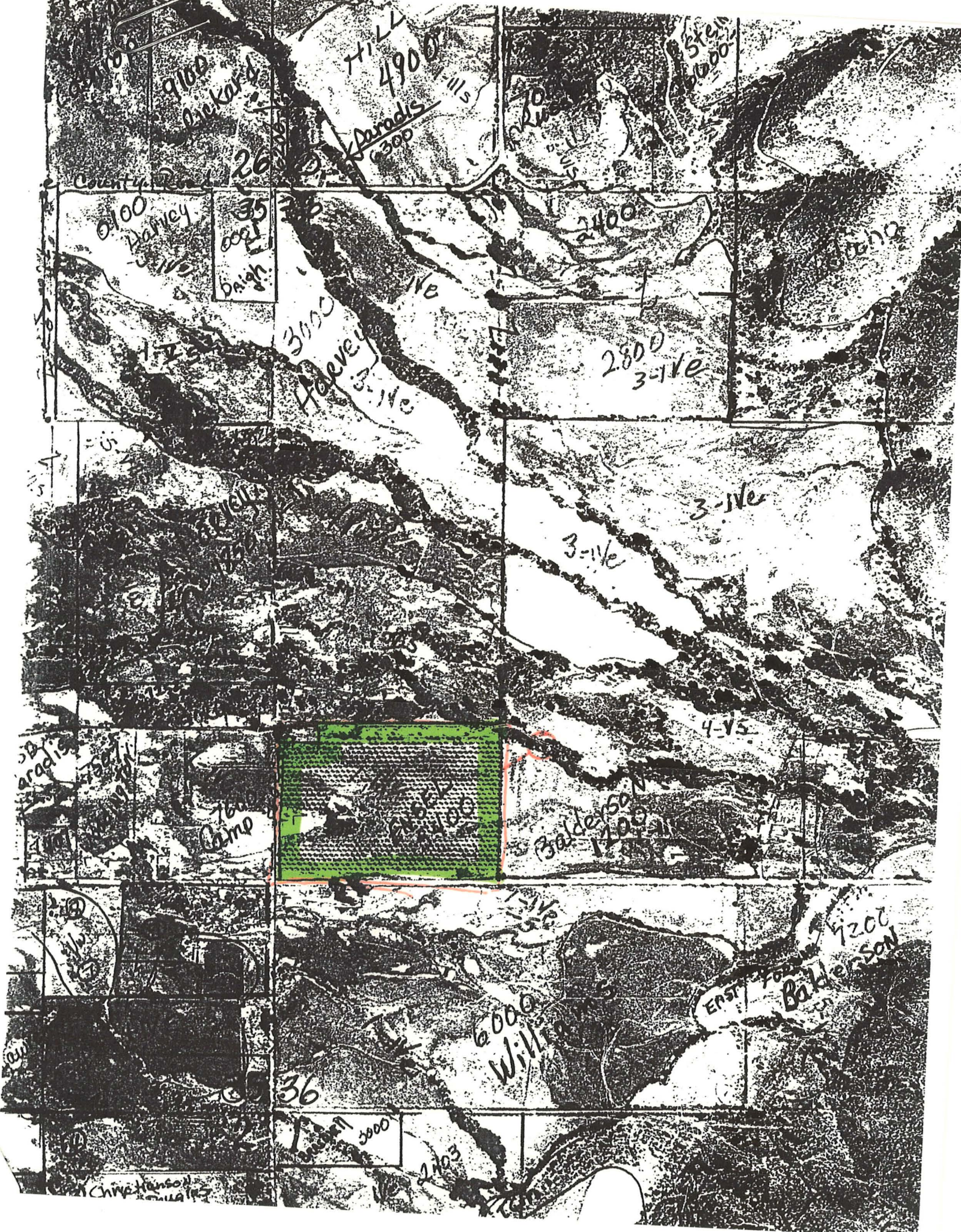
Cathy Springer

From: Angle Bumgarner [abumgarner@timberlinetitle.com]
Sent: Wednesday, April 16, 2003 9:11 AM
To: Cathy Springer
Subject: 03-282

Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho
Section 36: A parcel of land situated in the NW1/4SW1/4 of said
section, Township and Range, more particularly described as follows:
Commencing at the Southwest corner of said NW1/4SW1/4 of said
Section, Township and Range;
Thence East on and along the South line of said NW1/4SW1/4 80 rods to
the Southeast corner of said NW1/4SW1/4;
Thence North on and along the East line of said NW1/4SW1/4 a distance
of 54 rods;
Thence West parallel to the South line of said NW1/4SW1/4 80 rods to
a point on the West line of said NW1/4SW1/4;
Thence South on and along the West line of said NW1/4SW1/4 a distance
of 54 rods to the Real Point of Beginning;
EXCEPTING THEREFROM two tracts of land more particularly described as
follows:
Parcel 1: A strip of land 15 feet wide off of and along the entire
West end of the tract hereinbefore first described.
Parcel 2: Commencing at a point that is 54 rods North and 15 feet
East of the Southwest corner of said NW1/4SW1/4, said Section,
Township and Range; Thence East 177.44 feet; Thence South 125 feet;
Thence West 177.44 feet; Thence North 125 feet to the point of
beginning of this excepted tract.
SUBJECT TO the MILL CREEK COUNTY ROAD right of way as now
established.

INITIAL


4/16/2003



HILL
4900

Paradis
6300

9100
Oakland

County Road 26

6100
Hovey

35
Baigh

3100
Hovey

2400

2800
3-1/2

3-1/2

3-1/2

4-1/2

7600
Camp

Balderson
1200

6000
William

4200
Balderson

36

5000

2403

Chapman

[40 chains]

Exception to
T#1504
(road)

88478
Martinez

Total .82 ac
in tax 1907

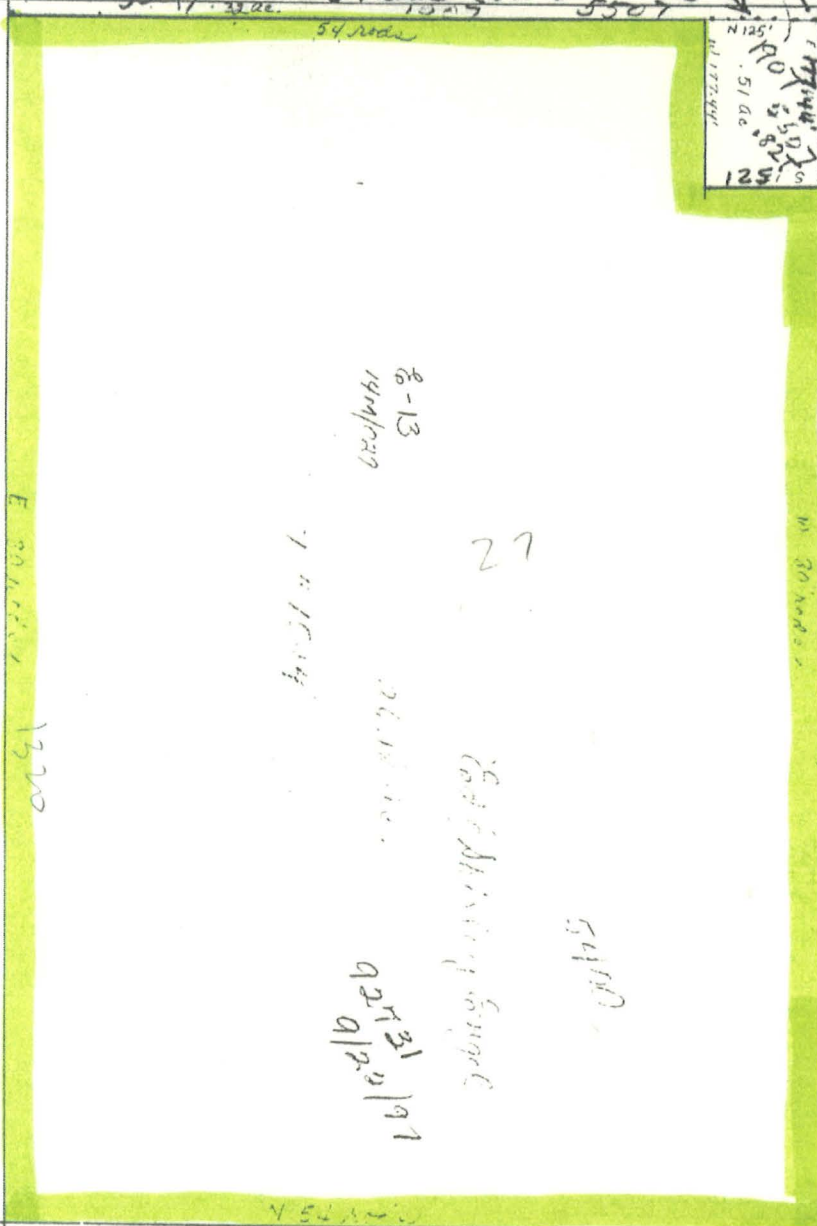
54 rods (891')

Roseville
Martinez
88478
8-15-95

Exception to
T#1504

R = 16.5'

W



Harvey, Donald E

87310

1/23/95

N

43560

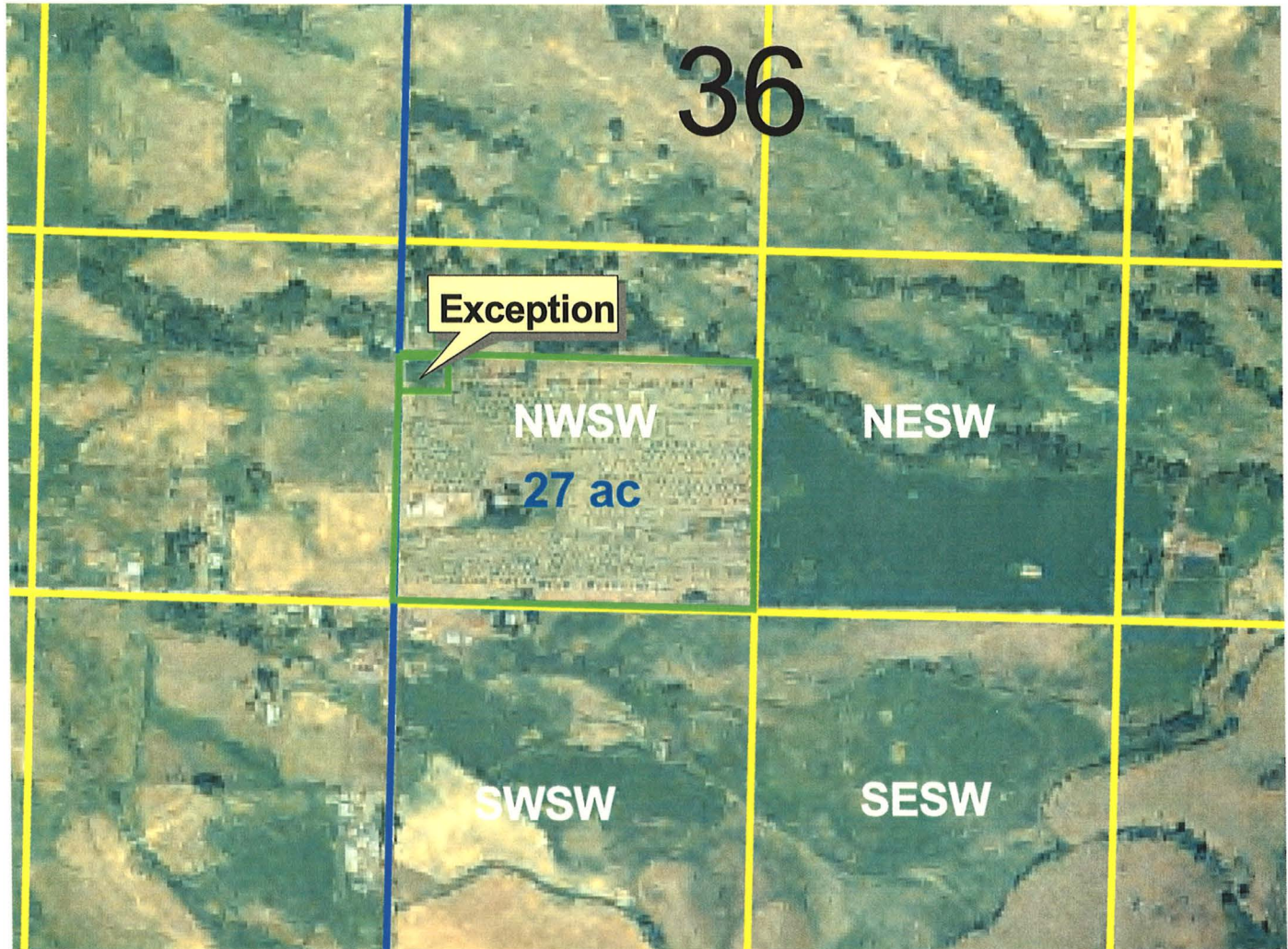
Donald E.

12

Smith

17N 1W

67-348D, 67-355D,
67-363F, 67-4158
and 67-11430



 Property Lines w/ Exception

 Section Line

 QQ Lines



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: A67-04158
Date Received: 1/04/1990
Receipt No: C013818
Received By: RAE

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ED E. ENGEL 208-253-4830
Address: HC 62, BOX 1310
COUNCIL, ID 83612

OR

Name: SHIRLEY A. ENGEL 208-253-4830
Address: HC 62, BOX 1310
COUNCIL, ID 83612

2. Date of Priority: JUN 01, 1878

3. Source: MILL CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	36	NW	NE	SW		ADAMS

5. Description of diverting works:
PIPE, UNDERGROUND STANDPIPE SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	11/01	0.200		

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

8. Total consumptive use is 81.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	36	NW	SW		IRR	27.0
Section Acres							27.0
Total Acres							27.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
A67-00348D, A67-00355D, A67-11430

14. Remarks:

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): [Signature] Date: 1-4-90

Date: _____

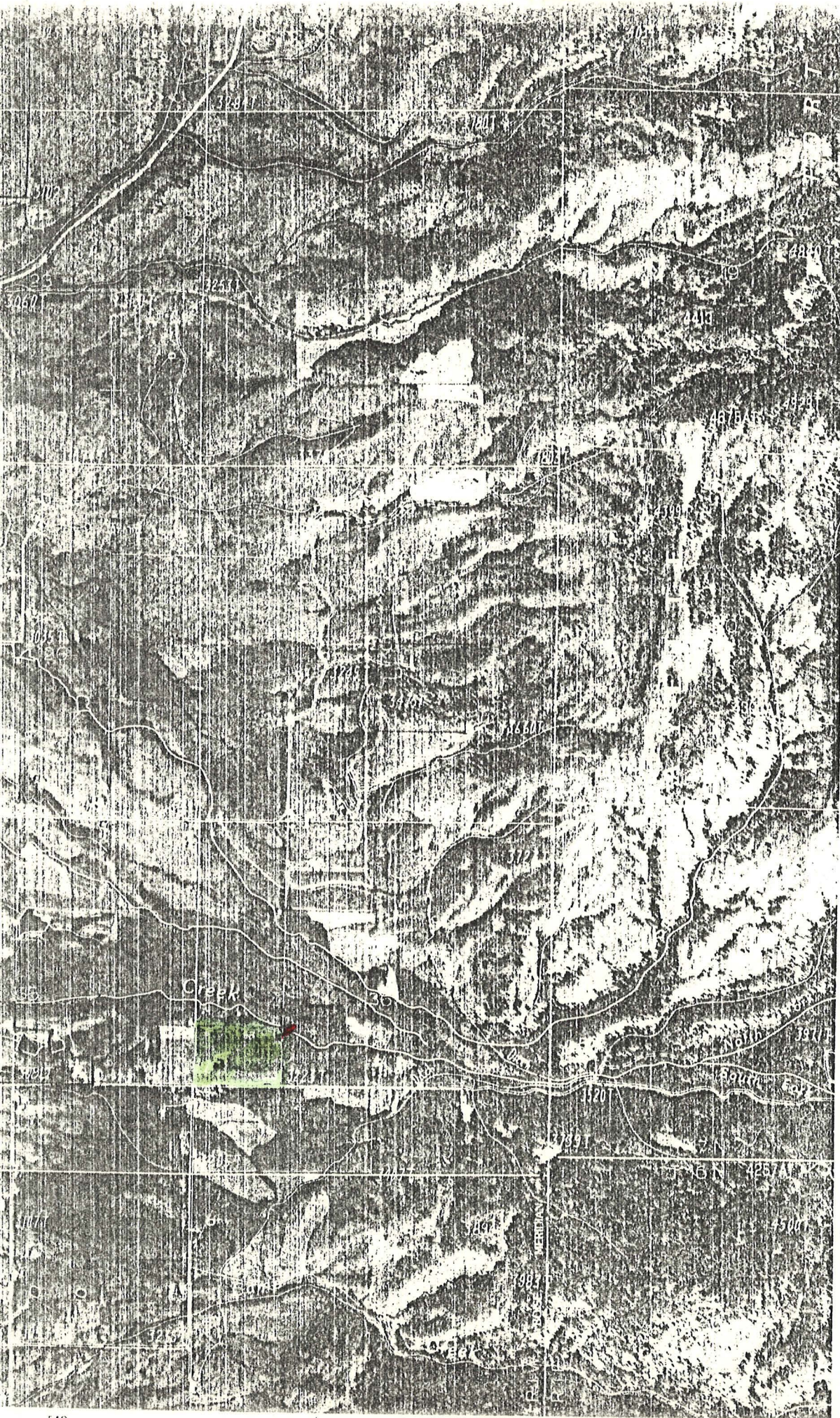
State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 4th day

of January 19 90

Seal

[Signature]
Notary Public
Helen Harrington, Notary Public
Residing at Boise, Idaho
My Commission Expires December 1, 1994
My Commission Expires _____



4961

4960

47' 30"

4959

4958

4957

4956 000m N

T17N
T16N

MICROFILMED
OCT 02 1992

546 25' 547 548 549 116° 15' 30" 44° 45'