

a
RECEIVED
MAR 28 2007
DEPARTMENT OF
WATER RESOURCES

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 IDWR will produce new water right number(s) for the split(s).

Water Right No(s).	Adjudication Claim No(s).	Split(s)	Water Right No(s).	Adjudication Claim No(s).	Split(s)
	67-12328				

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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. 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 or equivalent **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)

Tim Smedley

933 EATON Rd.

4. New Owner/Claimant(s)

WEISER, Idaho 83672

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

New Mailing Address

DARREL L. + DONNA J. KRAUSE

City, State and ZIP Code

365 CLABBY ROAD

New Telephone Number

() WEISER, Id. 83672
208-549-1687

5. Date you acquired the property

Sept. 18-2002

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)

Daniel L. Krause

(title if applicable)

Honnan J. Krause

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____

Date _____

Receipt Amt. _____

Received by _____

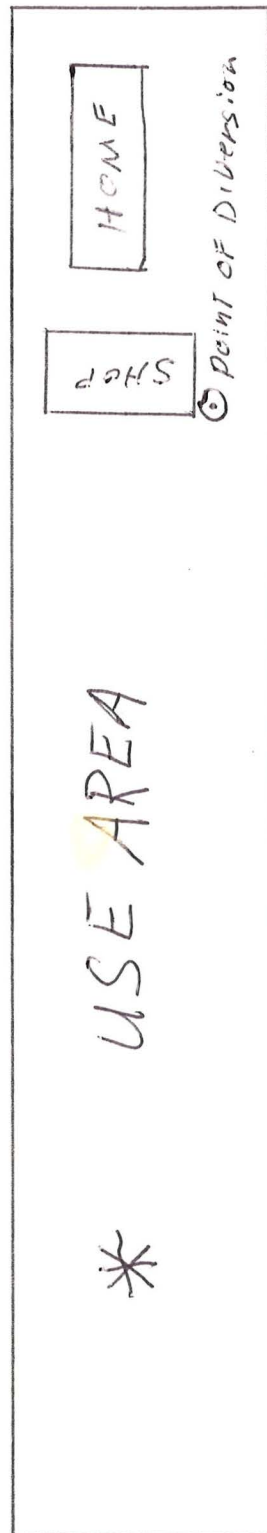
Date _____

Receipt No. _____

Processed by SA AJDate 4-2-07

WR _____ Date _____

SCANNED
MAR 28 2007



* -INDICATES LOCATION PROPERTY ON IDWR MAP

SCANNED
MAR 28 2007



Idaho Department of Water Resources

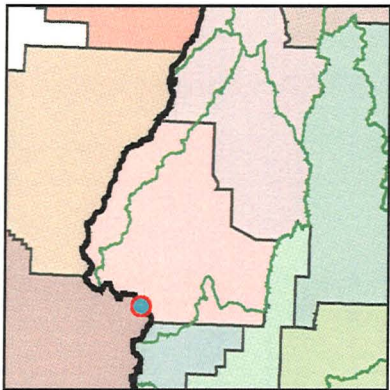
SRBA Recommendation:

67-2217

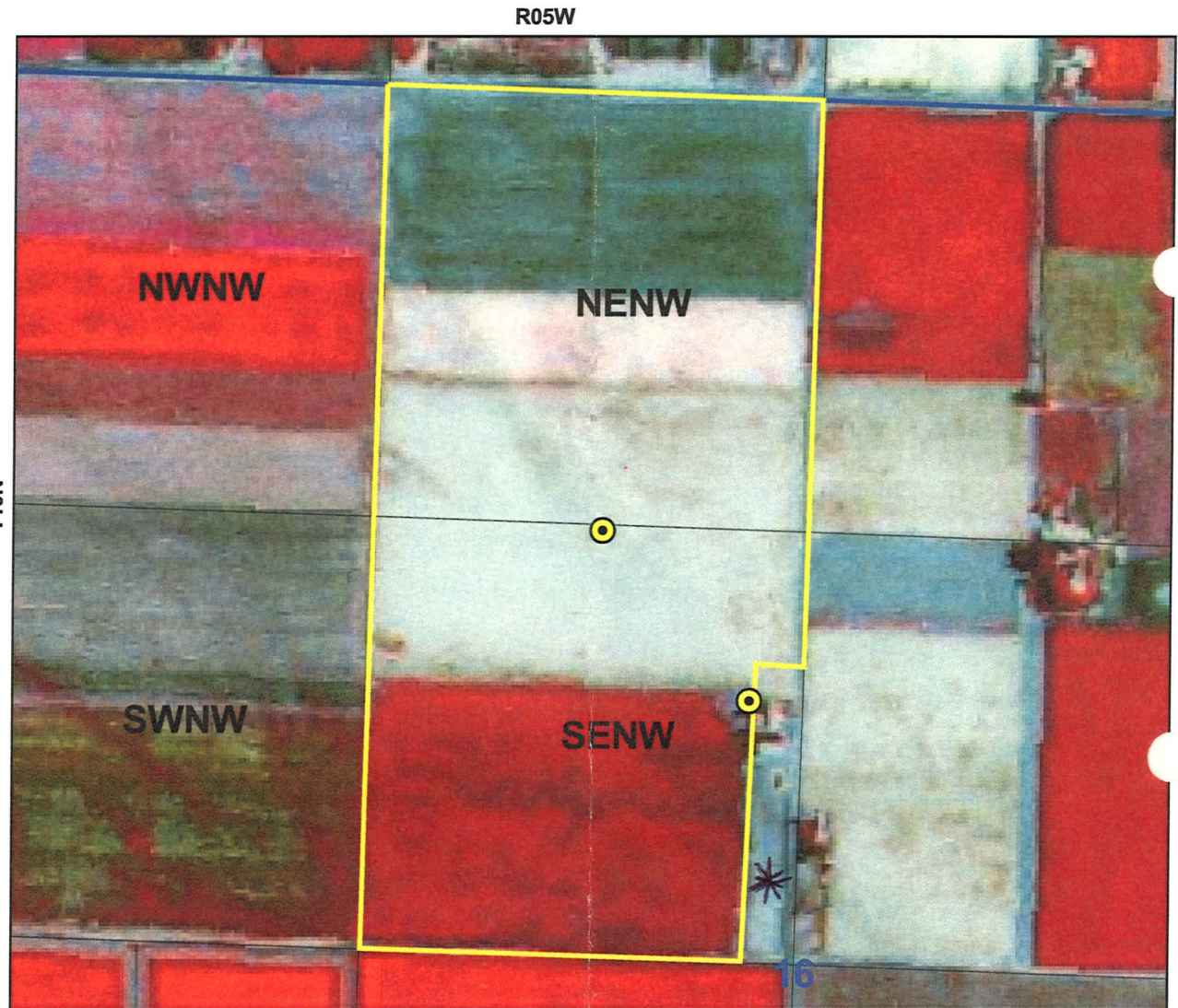
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Washington County
IDWR Basin 67



0 0.2 0.4 Miles

Prepared by IDWR State Office
On Tuesday, November 14, 2006
1987/88 Aerial Photography

SCANNED
MAR 28 2007

Approved by:
Initials _____

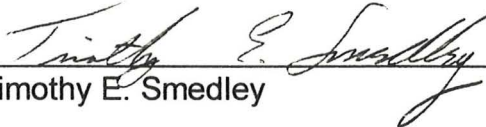
WARRANTY DEED

FOR VALUE RECEIVED, TIMOTHY E. SMEDLEY, an unmarried person, the Grantor, does hereby, grant, bargain, sell and convey unto DARREL L. KRAUSE and DONNA J. KRAUSE, husband and wife, the Grantees, whose address is 505 E. Galloway, Weiser, ID, 83672, the following described real estate situated in Washington County, State of Idaho, to-wit:

IN TOWNSHIP 10 NORTH, RANGE 5 WEST, BOISE MERIDIAN;
Beginning at the Southeast corner of the E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 16, Thence West 130 feet;
Thence North parallel to the East line of the E $\frac{1}{2}$ NW $\frac{1}{4}$, 800 feet;
Thence East 130 feet to the East line of the said E $\frac{1}{2}$ NW $\frac{1}{4}$;
Thence South 800 feet to the POINT OF BEGINNING.

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

DATED this 18th day of September, 2002.



Timothy E. Smedley

STATE OF IDAHO)
: ss
County of Washington)

On this 18th day of September, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared Timothy E. Smedley known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

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

Instrument # 187277

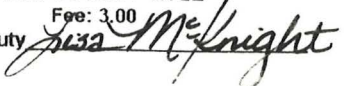
WEISER, WASHINGTON, IDAHO

2002-09-19 01:26:00 No. of Pages: 1

Recorded for : WASHINGTON COUNTY TITLE

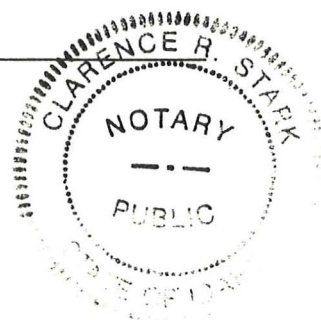
SHARON WIDNER

Fee: 3.00

Ex-Officio Recorder Deputy 
Index to: DEED



Notary Public for Idaho
Residing at Weiser, Idaho
Commission expires: 09/07/05



SCANNED

MAK 28 2007

04/02/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-12328

NAME AND ADDRESS: DONNA J KRAUSE
365 CLABBY RD
WEISER ID 83672

DARREL L KRAUSE
365 CLABBY RD
WEISER ID 83672

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS
9.00 AFY

The quantity of water under this right for stockwater use shall not exceed
13,000 gallons per day.

PRIORITY DATE: 07/28/1954

POINT OF
DIVERSION:

T10N R05W S16 NESENW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.040 CFS 9.00 AFY
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T10N R05W S16 SENW 2.00

STOCKWATER in WASHINGTON County

T10N R05W S16 SENW

2 ACRES TOTAL

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

The quantity of water decreed for this water right for stockwater use is
not a determination of historical beneficial use.

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

Right No. 67-2217 is also diverted through point of diversion described
above.

Stockwater use is for 10 various stock.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-12328 V1

WATER RIGHT NUMBER: 67-12328 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DONNA J KRAUSE 365 CLABBY RD WEISER, ID 83672 (208)549-1687
Current Owner	DARREL L KRAUSE 365 CLABBY RD WEISER, ID 83672 (208)549-1687
Directors Report Owner	TIM SMEDLEY 933 EATON RD WEISER, ID 83672 (208)549-2630

Priority Date: 07/28/1954

Basis: Beneficial Use

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.040 CFS	9.00 AF
STOCKWATER	01/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.060 CFS	9.00 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4NW1/4	Sec. 16, Twp 10N, Rge 05W, B.M.
WASHINGTON 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	
10N 05W 16								2.0									2.0

Total Acres: 2

STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N 05W 16								X									

11/14/2006

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: December 8, 2006

Water right number: 67-12328

TIM SMEDLEY
933 EATON RD
WEISER ID 83672
Telephone Number: (208)549-2630

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: 12-1-06 SIGNATURE: Darrel L Krause

Please print your name: DARREL L. KRAUSE

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

* When I return to Weiser, Idaho in March of 2007 I will get you the proper Papers to change the current owner to myself.

Thank you
DARREL L. KRAUSE
365 CLABRY ROAD
Weiser, Id 83672

Danni Smith
Advised me to
handle this in
March, 2007

SCANNED
DEC - 1 2006

11/07/2006

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

RIGHT NUMBER: 67-12328
NAME AND ADDRESS: DARREL L KRAUSE
365 CLABBY RD
WEISER ID 83672

TIM SMEDLEY
933 EATON RD
WEISER ID 83672

Darrel L Krause
365 Clabby Rd
Weiser ID 83672

Present Owner.

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 0.060 CFS
9.000 AFY

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/01/1950

POINT OF DIVERSION:

T10N R05W S16 NESENW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.040 CFS 9.00 AFY
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County
T10N R05W S16 SENW 2.00
STOCKWATER in WASHINGTON County
T10N R05W S16 SENW

2 ACRES TOTAL

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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 -

Right No. 67-2217 is also diverted through point of diversion described above.

Stockwater use is for 10 various stock.



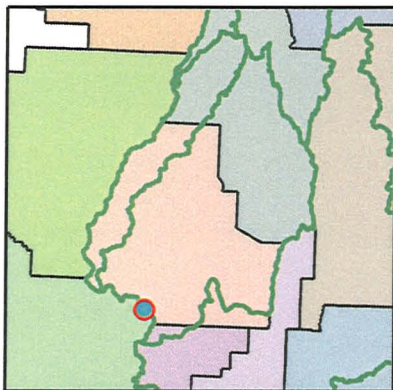
Idaho Department of Water Resources

SRBA Recommendation:

67-12328

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Washington County
IDWR Basin 67



0 0.1 0.2 Miles



Prepared by J. Dean
On Tuesday, November 7, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-12328 V1

WATER RIGHT NUMBER: 67-12328 V1

<u>Owner Type</u>	<u>Name and Address</u>
Present Owner	DARREL L KRAUSE 365 CLABBY RD WEISER, ID 83672 (208)549-1687
Current Owner	TIM SMEDLEY 933 EATON RD WEISER, ID 83672 (208)549-2630

Priority Date: 07/28/1954

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.040 CFS	9.00 AF
STOCKWATER	01/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.060 CFS	9.00 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4NW1/4	Sec. 16, Twp 10N, Rge 05W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10N 05W 16								2.0									2.0

Total Acres: 2

STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10N 05W 16								X									

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-12328 V1

Conditions of Approval:

1. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
2. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
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.
4. F05 Right No. 67-2217 is also diverted through point of diversion described above.
5. X02 Stockwater use is for 10 various stock.

Remarks:Comments: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:
 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>
Priority Date	11/7/2006 3:03:38 PM	jdean			Active
POD	11/7/2006 3:03:55 PM	jdean			Active
Source	11/7/2006 3:04:23 PM	jdean			Active
POU	11/7/2006 3:04:54 PM	jdean			Active
Use	11/7/2006 3:05:56 PM	jdean			Active
Season	11/7/2006 3:06:16 PM	jdean			Active
Quantity	11/7/2006 3:07:25 PM	jdean			Active
Contacts	11/7/2006 3:07:43 PM	jdean			Active
Summary			11/07/2006	jdean	Active

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-12328 V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	11/7/2006 2:50:45 PM	jdean	Updated shape
POU	11/7/2006 2:51:41 PM	jdean	Updated shape for Active POU
POU	11/7/2006 2:51:55 PM	jdean	Updated PLS for Active POU
POU	11/7/2006 2:52:17 PM	jdean	Updated shape for Active POU
POU	11/7/2006 2:52:28 PM	jdean	Updated PLS for Active POU
POD	11/7/2006 3:03:55 PM	jdean	(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? (Yes) 10. Is a POD remark and/or condition required?
General	11/7/2006 3:03:39 PM	jdean	(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 - Priority date established from licensing exam for 67-2217.
Source	11/7/2006 3:04:23 PM	jdean	(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 - Source was verified as per field exam for 67-2217 license.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-12328 V1

POU	11/7/2006 3:04:54 PM	jdean	(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 - POU was verified as per aerial photography and tax lot data.
Use	11/7/2006 3:05:56 PM	jdean	(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 - Purpose of use was verified as per field exam for license 67-2217.
Season	11/7/2006 3:06:16 PM	jdean	(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?
Quantity	11/7/2006 3:07:26 PM	jdean	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Diversion rate is less than 0.2 cfs so no measurement is required. Description for Question 10 - $4.5 \text{ afy/acre} * 2 \text{ acres} = 9 \text{ afy}$
Contacts	11/7/2006 3:07:44 PM	jdean	(No) 1. Do you want to schedule an appointment?

Comment for 1: Desk Review

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-12328 V1

Summary	11/7/2006 3:08:15 PM	jdean	(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? (No) 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?
POD	11/7/2006 2:51:00 PM	jdean	Updated PLS

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: A67-12328
Date Received: 1/ 6/1993
Receipt No: C026456
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: TIMOTHY EDWARD SMEDLEY
Address: 365 CLABBY RD
WEISER ID

208-549-3162

83672

2. Date of Priority: JAN 1, 1950

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10N	05W	16		SE	NW		WASHINGTON

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.040		9.00
STOCKWATER	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) 9.00 A.F.A.

8. Total consumptive use is 7.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 10 MIXED

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
10N	05W	16	SE	NW		IRR	2.0
			SE	NW		STOCK	

A67-12328

Page 1

Date: 03/03/93

MICROFILMED
AUG 22 1994

SCANNED
APR 12 2004

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	2.0
					Total Acres	2.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

LAND DEVELOPED BY J.F. CLABBY IN 1950. NEW WELL DRILLED IN 1969.
THIS LAND WAS ORIGINALLY LICENSED UNDER 67-02217 WITH A 1952
PRIORITY DATE.

15. Basis of Claim: BENEFICIAL USE

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A67-12328

Date Received: 1/6/1993

Receipt No: C 026840 4

Received By: ju C 026456

RECEIVED

FEB 24 1993

Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TIMOTHY EDWARD SMEDLEY 208-549-3162
Address: 365 CLABBY RD
WEISER ID 83672

2. Date of Priority: JAN 1, 1950

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	05W	16	SE	NW			WASHINGTON

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.040		9.00
STOCKWATER	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) 9.00 A.F.A.

8. Total consumptive use is 7.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 10 MIXED

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	05W	16	SE	NW		IRR	2.0
			SE	NW		STOCK	

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	2.0
					Total Acres	2.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

LAND DEVELOPED BY J.F. CLABBY IN 1950. NEW WELL DRILLED IN 1969.
THIS LAND WAS ORIGINALLY LICENSED UNDER 67-02217 WITH A 1952
PRIORITY DATE.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: 2

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): Timothy Edward Smalley Date: 2-18-93

Date: _____

State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 18th day

of February 19 93

Harold Sutton
Notary Public

Seal

Residing at Weiser, ID

My Commission Expires 2-04-98

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 22681

Completion of Works
and

REPORT ON PROOF OF Beneficial Use

J. F. CLABBY, Weiser, Idaho

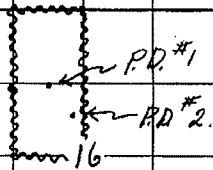
1.0 cfs
max

app. 1.6 cfs

80 acres

2-40's

TION. R. 5 W. B. M.



Subdivisions = Two

Area = 80 acres

$Q = 30$ inches

$T = 65^\circ F$

Amended P/B

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 22681

This proof is for Beneficial Use & Completion of Work in Water District No. _____1. Name of applicant J. F. Glabby Weiser, Idaho2. Source of water supply: subterranean, from two wells3. Location of point of diversion: Is in the SE 1/4 NW 1/4 of Section 16T. 10 N. R. 5 W. E. M. County of Washington4. Describe works as they exist, giving dimensions and capacities of same: North well has a 25hp.G.E. Motor and Cornell Pump, centrifugal 4" x 3". South well has a 3 hp.single phase motor and a Worthington 4" x 3" centrifugal pump. Wells areboth shallow wells with a deep pit at the top concrete cased. Pumps andmotors set down in the wells 8' to 12'. Irrigation is by sprinklers.6" main line and four short, 1/8 mi. laterals. Rainbird sprinklers5. Water is used for: Irrigation6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

E 1/2 NW 1/4 Section 16, Twp. 10 N., Rgs. 5 W., B.M.See map

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: _____

Both pumps and motors were in deep pits. Information re same was obtained from the Co-op Company in Weiser.Today the system is delivering 4 1/2 inches or more. Pressure at end of lines was 23 to 25 pounds.This examination was made on the 28 day of July, 19 57(Signed) E. M. Humphrey Examiner.

22681

N. well.

25 hp. G. E. 220V. 3 ph

Rainflow Cornell

Pump. 4" x 3"

ball bearing centrifugal

3450 rpm

450 gpm @ 160' head

3 hp. Worthington

4" x 3" @ 1750 rpm

350 gpm @ 20' head

G. E. motor ??

3 hp. 1 ph.

J. F. Clabby

Weiser, Idaho

Permit No. 22681

Completion of Works and

Examination for Beneficial Use

County Washington

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

well # little wood
dog house type

6 gpm = 42' 1/2"
allow 50"

RECEIVED
JUL 31 1954
Department of Reclamation

3 1/2" x 1 1/4" 25' T-507

4 - 1/8 in. sprinklers

64 Sprinklers

31' x 6' well

H = 16'

220V. system

water up thru 8" line to 6" line

Pump and motor

Pit (round)

switch

6" buried main steel

4" lateral steel

Permit No. G-22681
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that J. F. CLABBY of Weiser, County of Washington, and State of Idaho, the holder of Permit No. G-22681, issued upon Application No. G-30427 bearing date of priority of March 28, 1952, authorizing the diversion of 1.6 second feet of the waters of wells (subterranean flow) County of Washington, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use one second feet of the waters of said wells; that the points of diversion of said waters are in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and on the center line between the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, Township 10 North, Range 5 West, B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 16, Twp. 10 North, Range 5 West, B.M.

Witness my hand this 16th day of August, A. D. 1954.

MARK R. KULP
State Reclamation Engineer

Proof of Completion of Works made April 3, 1954.
Certificate of Completion of Works issued August 16, 1954.

LICENSE ISSUED FOR _____ SEC. 17

P. 5329

Permit is for 1.6 c,f,s, from a well in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 16;

Under Remar,s it states: Well now in use since 1940 for which no permit has been obtained, which irrigates 50 acres.

New well will irrigate additional 50 acres.

22681



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 3, 1993

Timothy E. Smedley
365 Clabby Rd.
Weiser, ID 83672

Re: Snake River Basin Adjudication (SRBA)
Washington County - Handwritten Claim

Dear Mr. Smedley,

We recently received your claim, No. A67-12328, along with the additional filing fees. Thank-you for your prompt attention to this matter. I have enclosed Receipt No. C026840 for your records.

I have also enclosed your original handwritten claim. It was my understanding that A67-12328 took the place of this claim. If this is correct, please keep the original form.

If you have any questions, please contact me at 327-7925 in Boise.

Sincerely,

A handwritten signature in cursive script that reads 'Roxanne McCarthy'.

Roxanne McCarthy
Sr. Water Resource Agent
Adjudication Bureau

RM:r:west

Enclosures:

Handwritten Claim

Receipt No. C026840

SCANNED
APR 12 2004

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RECEIVED

FEB 24 1993

Department of Water Resources

2-19-93

Dear Mrs. Mc Carthy,

Please find enclosed my check for \$25⁰⁰ as you requested. Find also the completed and notarized claim # 467-12328 and the original water right claim. The signed and notarized affidavit from Mr. Duane Krause concerning Mr. J.F. Clobley and the original will be on the property, I have completed and sent to Mr. Krause who lives in McCall. I have learned from his Daughter that he is in Mexico for a month and won't be back for a few weeks so I am sending the enclosed now and will send Duane's affidavit as soon as I get it back from him.

Thank-You again for all your help - it is greatly appreciated.

Sincerely,
Tim Smedley
T. Smedley

MICROFILMED
AUG 22 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 29, 1993

Timothy E. Smedley
365 Clabby Rd.
Weiser, ID 83672

Re: Snake River Basin Adjudication (SRBA)
Washington County - Claim No. A67-12328

Dear Mr. Smedley,

In response to our telephone conversation on January 21st, I am returning your handwritten Notice of Claim to a Water Right filed for your property in Washington County. I am also enclosing Receipt No. C026456 in the amount of \$25.00, for a portion of your filing fees. Please retain the receipt for your records.

As we discussed, your claim needed a great deal of amendment before it could be processed. I constructed a claim using information from the original and details taken from our conversation. That claim, A67-12328, is enclosed and you should examine it very carefully. If you wish to make changes to the new claim, simply line through the information, provide new information and initial the change. The claim form should be signed and notarized before it is returned. I have also enclosed an Affidavit form for you to complete and return.

In addition, the fees for irrigation claims are calculated differently than those for domestic purposes. An irrigation claim requires a flat \$50.00 fee and an additional \$1.00 per acre. The per acre charge has been paid by Johnson-Bryant; please enclose the additional \$25.00 when filing this claim.

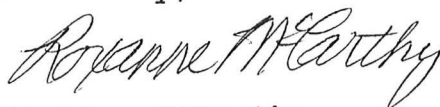
Please return claim No. A63-12328 to my attention by February 28, 1993, or late fees will apply; keep the handwritten claim. If we do not receive the claim by that date, we will assume you do not wish to continue the filing process and will begin the refund

MICROFILMED
AUG 22 1994

Timothy E. Smedley
January 29, 1993
Page 2 - Washington County

process of your filing fees. Do not hesitate to contact this office if you have any questions.

Sincerely,



Roxanne McCarthy
Sr. Water Resource Agent
Adjudication Bureau

RM:sf:state:tf
Enclosures:

Claim No. A67-12328
Handwritten Claim
Receipt No. C026456
Affidavit

MICROFILMED
AUG 22 1994

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation - Stockwater purposes from 1-1 to 12-31 amount 0.08 or 35 gpm

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.08 (cfs) and/or (b) 35 gpm (acre feet)

8. Total consumptive use claimed is 0.08 cfs / 35 gpm acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 3 Horses 5 calves

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>10 N</u>	<u>5 W</u>	<u>16</u>							<u>2</u>										<u>2</u>

Total number of acres irrigated 2

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

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (X)

14. Remarks: _____

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AUG 22 1994

Last Name Smedley Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

Section 16

[illegible]

MICROFILMED
AUG 22 1994

Last Name

Smedley

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments 2

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

Signature of Claimant (s) Timothy Edward Smedley Date 12-31-92
_____ Date _____

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 5th day of January 19 93

SEAL

Notary Public

Residing at

My Commission Expires

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED
AUG 22 1994

Last Name Smedley Ident. Number _____

Copies White-State, Yellow-Claimant

OCT 20 1992

Department of Water Resources

State of Idaho
Department of Water Resources
**REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)**

COPY
FOR YOUR FILES

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Timothy E. Smedley 208 549-3162
Name of Claimant Phone Number

365 Elshby Road Weiser Idaho 83622
Mailing Address City State Zip

Washington NOT AWARE of date
County(s) where place of use is located Date claim originally due

Domestic and Stock Water - pasture irrigation groundwater for 2 1/2 acres
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

Have been working out of the country the past couple years -
was unaware of the need to file - had understood that it
was not necessary. Am somewhat unclear at this point -
but have been advised to file. I will need time to
file on my irrigation well also. No filing had been done when I purchased

Claimant requests an extension to January 1, 19 93 the property
Timothy E. Smedley 10-19-92, 19 92 2 years ago.
Signature Date of request
OWNER
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [X granted] [_____ denied] for the following reasons:

and if granted the filing deadline is extended to January 1, 19 93

Signed this 30 day of October, 19 92

Director or his designated agent **MICROFILMED**
DAVID B. SHAW
AUG 22 1994

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

POOR ORIGINAL

T10 N R05W Sec. 16



MICROFILMED
AUG 22 1994

MEMORANDUM

To: File A67-02217
Smedley Irrigation Claim

From: Roxanne McCarthy

Re: Conflicting Claims

Date: January 21, 1993

=====

The Department received an irrigation claim from Mr. Smedley on January 6, 1993. The claim appeared to be in conflict with the permit statute (priority date 1969) and the land was also claimed by Johnson-Bryant Equipment under licensed right 67-02217. I called Mr. Smedley this date for additional information.

Mr. Smedley, in turn, called Johnson-Bryant and determined that his two acres is indeed a portion of the 40-acre tract originally farmed by J.F. Clabby and licensed under 67-02217. In addition, he was told that the land was originally developed in 1950 and not licensed until later. Mr. Smedley wishes to file a beneficial use claim for his land with a 1950 priority date. I am sending him a new claim form and affidavit form to be filed as evidence of priority.

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AUG 22 1994