04/13/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-14444

NAME AND ADDRESS: CLYDE SMITH
2061 WEISER RIVER RD
WEISER ID 83672

DAN C SMITH
2061 WEISER RIVER RD
WEISER ID 83672

SOURCE: WEISER RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 1.000 CFS

PRIORITY DATE: 08/16/1933

POINT OF DIVERSION:

T11N R04W S35 SWNENE Within WASHINGTON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	1.000 CFS

PLACE OF USE: IRRIGATION Within WASHINGTON County

T10N R04W S04 Lot	1	NENE	18.00	T10N R04W S04 Lot	2	NWNE	25.00
T11N R04W S33		SWSE	7.00				

50 ACRES TOTAL

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

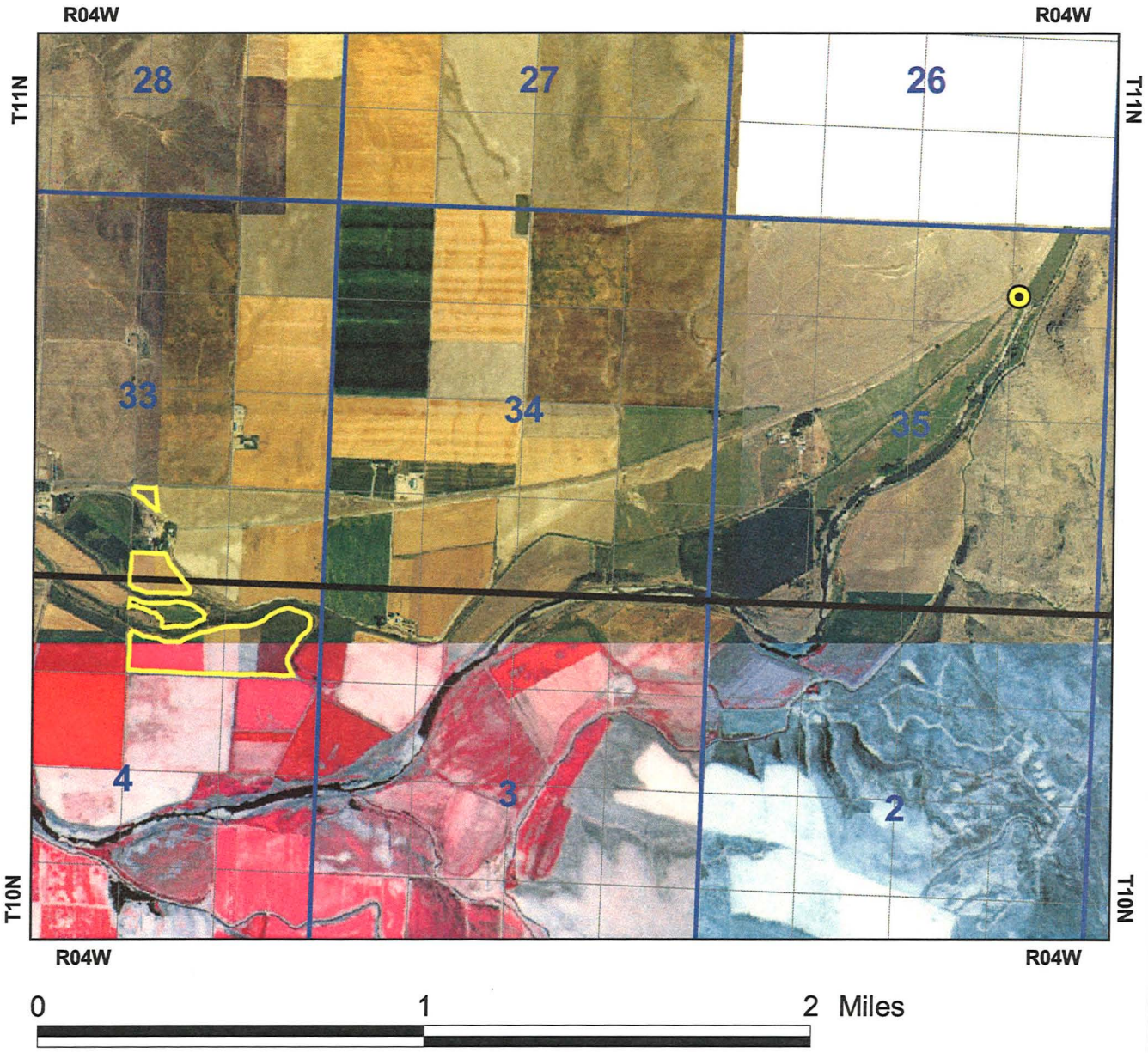
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Idaho Department of Water Resources

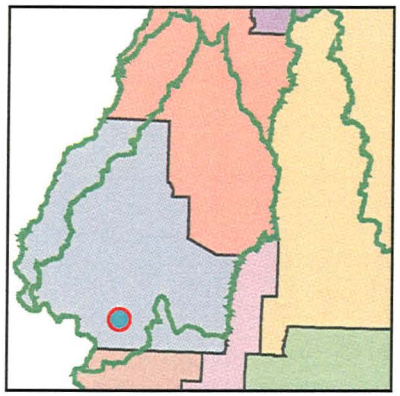
Adjudication Claim:

67-14444



Legend

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

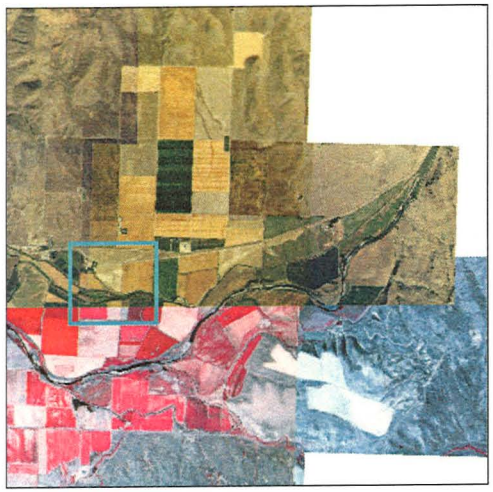


Washington County
IDWR Basin 67

N

Prepared by M. Van Bussum
On Thursday, April 13, 2006
1987/88 Aerial Photography

67-14444





IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14444 V1

WATER RIGHT NUMBER: 67-14444 V1

Owner Type	Name and Address
Current Owner	CLYDE SMITH 2061 WEISER RIVER RD WEISER, ID 83672 (208)549-0507
Current Owner	DAN C SMITH 2061 WEISER RIVER RD WEISER, ID 83672 (208)549-0507

Priority Date: 08/16/1933

Basis: Beneficial Use

Status: Active

Source	Tributary
WEISER RIVER	SNAKE RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	03/01 to 11/15	1.000 CFS	
	Total Diversion:	1.000 CFS	

Location of Point(s) of Diversion

WEISER RIVER SW1/4NE1/4NE1/4 Sec. 35, Twp 11N, Rge 04W, 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 04W 4	18.0 L 1	25.0 L 2															43.0
11N 04W 33														7.0			7.0

Total Acres: 50

Conditions of Approval:

1. 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:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14444 V1

Comments:

1. mvanbussum 2/3/2006 Priority Date
Comment: Claim is based on agreement between Weiser Irrigation District and Smith/Shoesmith. Smith/Shoesmith were licensed for part of the water agreed on and this claim is apparently requesting the additional water listed under the contract. Recommending priority date one day after license (67-2164).

2. mvanbussum 2/3/2006 License
Comment: This claim, along with 67-14445, is based on license 67-7165, which was not claimed in the SRBA.

3. mvanbussum 2/3/2006 Quantity
Comment: This claim is based on license 67-7165, but original calculation of quantity for 67-7165 was incorrect. Using horsepower and average lift, we calculated diversion capability to be at least 1.4 cfs.

4. mvanbussum 4/12/2006 67-7165
Comment: 67-7165 was permitted for 0.62 cfs and 72 acres. Despite evidence there was more acreage and flow available, it could not have been licensed.

5. mvanbussum 4/13/2006 copied from remarks
Comment: ORIGINAL POINT OF DIVERSION WAS IN THE NESE OF SEC. 35 THIS RIGHT SHOULD DEFAULT TO WATER RIGHT LICENSE 67-07165

6. mvanbussum 4/13/2006 copied from remarks
Comment: This claim is the result of a split due to change in ownership for a portion of 67-4039. DB 3/24/2004

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: AND
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:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Contacts	4/12/2006 3:33:01 PM	mvanbussum			Active
Priority Date	4/12/2006 3:35:13 PM	mvanbussum			Active
POD	4/12/2006 3:35:36 PM	mvanbussum			Active
Source	4/12/2006 3:52:04 PM	mvanbussum			Active
POU	4/12/2006 3:52:29 PM	mvanbussum			Active
Use	4/12/2006 4:01:52 PM	mvanbussum			Active
Season	4/12/2006 4:01:53 PM	mvanbussum			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14444 V1

Quantity	4/12/2006 4:01:54 PM	mvanbussum			Active
POU	4/13/2006 10:08:25 AM	mvanbussum			Active
Use	4/13/2006 10:10:52 AM	mvanbussum			Active
Season	4/13/2006 10:11:11 AM	mvanbussum			Active
Quantity	4/13/2006 10:13:33 AM	mvanbussum			Active
Summary			04/13/2006	mvanbussum	Active

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
Contacts	4/12/2006 3:33:02 PM	mvanbussum	(No) 1. Do you want to schedule an appointment? Comment for 1: Field exam conducted 3-20-2006.
POD	4/12/2006 3:35:36 PM	mvanbussum	(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?
POD	4/12/2006 3:51:10 PM	mvanbussum	Updated shape
POU	4/12/2006 3:53:03 PM	mvanbussum	Updated shape for Active POU
POU	4/12/2006 3:53:10 PM	mvanbussum	Updated PLS for Active POU
General	4/12/2006 3:35:13 PM	mvanbussum	(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 - Claim is based on an agreement with WID for water from the Galloway Ditch. Recommending one day after WID license 67-2169 for water from the Galloway Ditch.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14444 V1

POU	4/13/2006 10:08:25 AM	mvanbussum	(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 - Field exam conducted 3-20-2006. Imagery supports field exam.
POU	4/13/2006 10:09:04 AM	mvanbussum	Updated shape for Active POU
POU	4/13/2006 10:09:11 AM	mvanbussum	Updated PLS for Active POU
Use	4/13/2006 10:10:52 AM	mvanbussum	(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 - Field exam conducted. Imagery supports irrigation.
Season	4/13/2006 10:11:12 AM	mvanbussum	(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 administrativly determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14444 V1

Quantity	4/13/2006 10:13:34 AM	mvanbussum	(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? (Yes) 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? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Theoretical calculation of diversion capacity yields average for 3 pumps of 5.54 cfs, total calculated capacity of 16.63 cfs. Copy of calculation in claim file. This claim shares a ditch with 67-7156. Calculated capacity of ditch from licensing field exam exceeds 8 cfs.
Source	4/12/2006 3:52:05 PM	mvanbussum	(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 - Field exam conducted 3-20-2006.
POU	4/12/2006 3:52:29 PM	mvanbussum	(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 - Field exam conducted 3-20-2006. Imagery supports field exam conclusions.
Use	4/12/2006 4:01:52 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License?
Season	4/12/2006 4:01:54 PM	mvanbussum	(No) 1. Is the basis of claim Decree or License?
Quantity	4/12/2006 4:01:54 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14444 V1

Summary	4/13/2006 10:15:52 AM	mvanbussum	(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? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 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?

Water Supply Bank:

MEMORANDUM

TO: File

FROM: Monica Van Bussum

DATE: December 7, 2006

RE: Determination of private water rights from Galloway Canal

The first task of this memo is to summarize my current understanding of the basis of SRBA claims for private water from Galloway Canal. The second task is to make a recommendation regarding the handling of SRBA claim 67-14353. This memo assumes some passing familiarity with the Smith/Shoesmith agreement with Weiser Irrigation District (WID) of 1932 and other agreements for private water from Galloway Canal. Please reference my memo of December 2005 for a synopsis of these agreements.

67-2164A (Smith Land & Livestock) and 67-2164B (Ed Pollard)

These claims are based on a license granted to Ida Shoesmith and Polly Smith in 1933 using the Galloway Canal. This license predates the WID license 67-2169G for water off the Galloway Canal. Both claims are recommended based not only on the license, but on the 1932 WID agreement with Smith/Shoesmith. The 1932 Smith/Shoesmith agreement stated Smith/Shoesmith had 320 irrigable acres and could utilize up to 600 inches of water carried in the Galloway Canal. This water had been previously carried in the Smith/Shoesmith canal but, when WID extended the POD of the Galloway Canal to its current location, this agreement was signed to allow Smith/Shoesmith to carry their private water through the Galloway Canal. License is for 299 acres and 5.98 cfs. Combined recommended acreage is 275 acres and 5.50 cfs.

67-14444 (Smith) and 67-14445 (Ed Pollard)

The purpose of these claims was to improve upon license 67-7165 based on the Smith/Shoesmith contract with WID. 67-7165 was licensed for 72 acres and 0.62 cfs. Combined recommended acreage for 67-14444 and 67-14445 is 117 acres and 2.34 cfs. 67-7165 was for private water from the Galloway Canal. Recommended priority date is one day after license 67-2164.

67-14355 (Green) and 67-14357 (Pollard)

These claims were disallowed because they were duplicates of the claimants' 67-2169 splits. The Smith/Shoesmith agreement did not mention the license or permit WID held for water from the Galloway Canal, so any rights appurtenant to the Smith/Shoesmith agreement are considered private rights and not affiliated with WID's license.

67-14352 (Syme) and 67-14353 (Ed Pollard)

These claims were originally thought to be storage water; we now believe them to be for live, private water from the Galloway Canal. They appear to be enlargements to again improve upon license 67-2164 and more fully claim private water from Galloway Canal granted to Smith/Shoesmith 1932 agreement. The claimants have stated they started pumping from the Galloway Canal after the WID license was granted and have provided invoices for the installation of power to the pumps. There are two apparent questions at this point that need to be answered in this review of the recommendations:

1. Did the Smith/Shoesmith agreement in any way limit the acreage that could be irrigated with the 600 inches?
2. Is it possible to establish a private water right from the Galloway Canal after WID was granted license 67-2169 on 12-18-1936?

Did the Smith/Shoesmith agreement in any way limit the acreage that could be irrigated with the 600 inches?

The Smith/Shoesmith agreement did state the combined ownership of the parties was 320 irrigable acres, but they were allotted 600 inches of water. 600 inches is far above the standard current usage on 320 acres. The department standard is to use 1 miner's inch of water per acre. 320 acres at 1 inch per acre would be 6.4 cfs.

If we combined all the recommendations among Smith Land & Livestock, Dan Smith and Ed Pollard from the Galloway Canal as they stand today, the combined cfs is 7.84 (392 inches) and acreage is 392. 392 acres is well above the 320 acres mentioned in the Smith/Shoesmith agreement. Clearly, we read the contract to mean that, in return for giving up land to allow WID to enlarge the Smith/Shoesmith canal, Smith and Shoesmith were given the right to no more than 600" of water during the irrigation season. Paragraph (f) states that "the water which [WID] is to so transport . . . shall be the waters of [Smith and Shoesmith]...."

Given our understanding, there is more water available under the contract (208 inches, or 4.16 cfs). It is possible to have a beneficial use right in an irrigation canal provided the water is unappropriated. We would not recommend a priority date the day after 67-2164 in this case because the right was not established until 1954 with the installation of the sprinkler system and pump. WID filed a beneficial use claim for water from the Galloway Canal under 67-14621 with a priority date of 4/15/1957. Invoices provided by Ed Pollard and his attorney for the installation of sprinklers and pump date from 1954, which predates the WID beneficial use claim and we would consider the water as unappropriated before 1957.

Is it possible to establish a private water right from the Galloway Canal after WID was granted license 67-2169 on 12-18-1936?

The Smiths were granted license 67-7165 in 1973, well after WID license 67-2169. WID did not object to the license at that time and the Smiths established a private water right

from Galloway Canal nearly 40 years after 67-2169 and 16 years after WID's beneficial use right 67-14621. No rights could be established after the SRBA is completed because at this point we consider the Galloway Canal fully appropriated. However, this does open up the option for folks who have been pumping off the Galloway Canal since before 1957 to establish private beneficial use rights from the Galloway Canal.

Conclusion

From the answers to the above questions, it would appear we can recommend 67-14352 and 67-14353 as private water rights from Galloway Canal. Should we recommend 67-14352 and 67-14353, we would have to reduce the recommendation for WID beneficial use claim 67-14621 by approximately 4 cfs, from 28.18 cfs to around 24 cfs.

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 67-14444
Date Received: 8/25/1989
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CLYDE SMITH
2061 WEISER RIVER RD
WEISER ID USA 83672
Phone: (208)549-0507

DAN C SMITH
2061 WEISER RIVER RD
WEISER ID USA 83672
Phone: (208)549-0507

2. Date of Priority: 06/01/1923

3. Source: WEISER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4	1/4	1/4	Lot	County	Type
11N	04W	35	SW	NE	NE		WASHINGTON	

5. Description of diverting works:

DIVERTED FROM WEISER RIVER INTO GALLOWAY CANAL, THEN TO DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	1.26	

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

SCANNED
APR 16 2004

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
10N	04W	4	NE	NE		IRRIGATION	23
			NW	NE		IRRIGATION	29
						Section Acres	52
11N	04W	33	SW	SE		IRRIGATION	11
						Section Acres	11
						Total Acres	63

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:

This claim is the result of a split due to change in ownership for a portion of 67-4039. DB 3/24/2004

ORIGINAL POINT OF DIVERSION WAS IN THE NESE OF SEC. 35 THIS RIGHT SHOULD DEFAULT TO WATER RIGHT LICENSE 67-07165

15. Basis of Claim: Statutory Claim

RECEIVED

MAR 2 3 2004

WATER RESOURCES
WESTERN REGION

Form 42-248/42-1409(6) July, 2000

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, 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
	67-4039	Y			

2. The following **REQUIRED** information must be submitted with this form:

   A. The appropriate **FILING FEE.** See instructions for fee amounts. N/A

   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) are 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): Clyde Smith Dan Smith
   2061 Weiser Riv. Rd Weise Id 83672

4. New Owner/Claimant(s): Edward L. Pollard
   Name Connector (Check one): [ ] and, [ ] or, [ ] and/or

   New Mailing Address: 2117 Weiser River Rd.

   City, State and ZIP Code: Weiser, ID 83672

   New Telephone Number: ( ) 208-549-2944

5. Date you acquired the property: July 21, 2003

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 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 (one water right per box, you may copy this page as 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(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number 67-4039

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	1.34 cfs	See attached Plat Map + meets + bounds
Stock		
Domestic		
Other		
Total	67	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other		
Total		

7. Signature of New Owner(s) or Claimant(s) (include title if applicable) Edward L. Pollard

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.

For Office Use Only
Received by DB/LG Date 3-23-04 Fee 0
Receipted by Date Receipt No.
Processed by AJ Date WR Date

	ITEM	Unit Cost	Total Cost
1,140'	6" aluminum pipe	$ 1 02	$ 1,162 80
480'	5" " "	74	355 20
1	6" x 5" reducer		13 00
1	5" end plug		4 80
11	6" x 6" x 4" Tee valves	33 20	365 20
4	5" x 5" x 4" " "	29 00	116 00
3	4" x 4" Valve opening elbows	24 60	73 80
90'	4" x 30' offset pipe with couplers	81	72 90
3	4" x 4" elbows	10 00	30 00
60'	4" x 20' aluminum pipe with couplers	95	57 00
3,240'	4" x 40' " " " "	735	2,381 40
3	4" end plugs	4 00	12 00
84	#40 Sprinklers, risers and reducers	6 38	535 90
1	4W-30 Motor and Pump 30 HP		935 00
	Suction and Discharge setup		90 00
	Pumping plant panel		209 00
			$ 6,414 00
	Wiring estimate $ 75.00		
	Welding and Installation 100.00		
	$ 175.00		175 00
			$ 6,589 00
	TOTAL ESTIMATE OF MATERIALS		

Quotations are made for immediate acceptance and are subject to change without notice.

Map of Farm

Give in feet, dimensions of tract to be irrigated. Show direction of crop rows. Indicate by arrows the direction of land slope.

GROWERS SUPPLY CO., Inc.

SPRINKLER IRRIGATION SYSTEMS

PHONE 65-3 **FRUITLAND, IDAHO**

October 18, 1954

SOLD TO Mr. Clyde Smith
Weiser, Ida ho

INVOICE DATE 10-15-54
INVOICE NO. 13633
YOUR ORDER NO.
DATE SHIPPED
SHIPPED BY
TERMS: NET

SHIPPED TO

Quantity	DESCRIPTION	UNIT PRICE	AMOUNT
1	4W Pump and 30HP Motor		$ 935.00
	Suction and Discharge set-up , including Flanges		90.00
1	Pumping plant panel		209.00
	Welding labor and installation		55.00
			$ 1,289.00

SCANNED
OCT 0 4 2005

THIS CONTRACT Made and entered into in triplicate this November 22, 1932, by and between Weiser Irrigation District, a municipal corporation, party of the first part, and Ida M. Shoesmith, a widow, and Polly A Smith, a widow, both of Weiser, Idaho, parties of the second part;

WITNESSETH:

WHEREAS, second parties are the owners of an irrigation canal leading from Weiser River, in Township 11 North of Range 4 West of Boise Meridian, in Washington County, to, and by means of which their irrigable lands, being about 320 acres of irrigable lands, are irrigated; and,

WHEREAS, first party is desirous of taking possession of said ditch and enlarging same to a sufficient size to serve the needs of first party and using same for the purpose of carrying through same as so enlarged, water for the irrigation of lands which first party is under legal obligation to transport water to for irrigation purposes; and,

WHEREAS, first party, in making said enlargement and new works will have to take additional lands from the ranch of Mrs. Shoesmith, through which said canal so to be enlarged passes;

NOW, THEREFORE, in consideration of the premises it is hereby mutually contracted and agreed by and between said parties as follows:

a. That first party is to take over said Smith-Shoesmith canal or ditch, and is to enlarge same to such size and

SCANNED
OCT 0 4 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-4039

WATER RIGHT NUMBER: 67-4039

67-14444

Owner Type	Name and Address
Current Owner	CLYDE SMITH 2061 WEISER RIVER RD WEISER, ID 83672 (208)549-0507
Current Owner	DAN C SMITH 2061 WEISER RIVER RD WEISER, ID 83672 (208)549-0507

OK

Priority Date: 06/01/1923

Basis: Statutory Claim

Status: Active

Source	Tributary
WEISER RIVER	SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	3/15	11/15	~~2.600~~ CFS	1.26 cfs
		Total Diversion:	~~2.600~~ CFS	1.26 cfs total

Location of Point(s) of Diversion

WEISER RIVER SW1/4NE1/4NE1/4 Sec. 35, Twp 11N, Rge 04W, 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 04W 4	~~30.0~~ 23	~~30.0~~ 29															~~60.0~~ 52
11N 04W 33															~~35.0~~ 11	~~35.0~~ X	~~70.0~~ 11

Total Acres: ~~130~~ 63 total acres

Conditions of Approval:

Remarks:

1. General ORIGINAL POINT OF DIVERSION WAS IN THE NESE OF SEC. 35 THIS RIGHT SHOULD DEFAULT TO WATER RIGHT LICENSE 67-07165

8/25/89

RECEIVED
MAR 2 3 2004
WATER RESOURCES
WESTERN REGION

WARRANTY DEED

For Value Received

DAN C. SMITH AKA DANNY C. SMITH AKA DANNY CLYDE SMITH AND VERLA M. SMITH, HUSBAND AND WIFE

do hereby **GRANT, BARGAIN, SELL AND CONVEY** unto

EDWARD L. POLLARD, A MARRIED MAN

whose current address is 2117 WEISER RIVER ROAD
WEISER, IDAHO 83672

the following described premises, to-wit:

IN WASHINGTON COUNTY, IDAHO:

SEE ATTACHED EXHIBIT "A"

THE CONSIDERATION FOR THIS WARRANTY DEED IS GOOD AND VALUABLE CONSIDERATION PAID BY AN ACCOMMODATOR PURSUANT TO AN IRC 1031 EXCHANGE.

Together with all water, water rights, ditches and ditch rights appurtenant thereto and in anywise belonging.
ALSO INCLUDING 140 SHARES OF CRANE CREEK WATER.
Subject to all valid outstanding reservations, easements, rights-of-way, restrictions, dedications, mineral leases, mineral reservations and mineral conveyances of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said grantee HIS heirs and assigns forever. And the said grantors do hereby covenant to and with the said grantee that they are the owners in fee simple of said premises; that they are free from all encumbrances, excepting reservations, easements, encumbrances, restrictions and rights of way appearing of record and/or existing and that they will warrant and defend the same from all lawful claims whatsoever.

File Number: W10068

EXHIBIT "A"

A parcel of land situated within the S1/2SE1/4 of Section 33, Township 11 North, Range 4 West, Boise, Meridia and within Government Lots 1 and 2 of Section 4, Township 10 North, Range 4 West, Boise Meridian, Washingt County, Idaho, which parcel of land is more particularly described as follows:

Beginning at the southeast corner of the S1/2SE1/4 of Section 33, T.11N., R.4W., B.M. (northeast corner Government Lot 1, Section 4, T.10N., R.4W., B.M.);

Thence N 0° 08'00"W, a distance of 1316.70 feet along the east line of said S1/2SE1/4 to the northeast corn of said S1/2SE1/4;

Thence N 89°39'27"W, a distance of 2365.52 feet along the north line of said S1/2SE1/4;

Thence S 9°01'23"E, a distance of 330.16 feet to a point on a line 50.00 feet northeasterly from the centerlir of the former Pacific and Idaho Northern (PIN) Railroad tracks;

Thence S 47°19'31"E, parallel to and 50.00 feet northeasterly from the centerline of said former PIN Railroa tracks, a distance of 16.19 feet to a point of curvature;

Thence a distance of 373.96 feet along the arc of a 904.93 foot radius curve to the left, having a central angl of 23°40'38", and a long chord bearing S 61° 18'52"E a distance of 371.30 feet, said curve being 50.00 fee northeasterly from the center of said former PIN Railroad tracks;

Thence S 4°53'45"W, a distance of 493.92 feet;

Thence S 30°59'25"E, a distance of 61.45 feet;

Thence S 44°29'09"E, a distance of 245.06 feet;

Thence S 47°18'24"E. a distance of 93.31 feet;

Thence S 54°11'39"E, a distance of 282.27 feet;

Thence S 65°34'07"E, a distance of 365.09 feet;

Thence S 13°24'04"W, a distance of 119.98 feet to a point on the northerly bank of the Galloway Canal;

Thence easterly along the northerly bank of said Galloway Canal to a point on the east line of Government Lot 1, T.10N., R4W., B.M.;

Thence N 0°09'W, a distance of 390 feet, more or less along the east line of said Government Lot 1 to the point of beginning.

SUBJECT TO the right-of-way of the existing County Road known as Weiser River Road along the north side of the above described parcel of land.

File Number: W10068

Easement

EXHIBIT "A" CONTINUED

TOGETHER WITH AND SUBJECT TO a 30.00 foot wide ingress-egress and utility easement within said S1/2SE1, the easterly line of said easement being the westerly line of the above described parcel of land, which line described as S 9°01'23" E, a distance of 330.16 feet. Said Easement being SUBJECT TO the right-of-way of sa Weiser River Road.

ALSO TOGETHER WITH AND SUBJECT TO a 30.00 foot wide ingress-egress and utility easement within sa S1/2SE1/4 and said Government Lots 1 and 2, and easement being 15.00 feet wide on each side of the followir described centerline:

Beginning at the northwest corner of said S1/2SE1/4;

Thence S 89°39'27"E, a distance of 267.28 feet along the north line of said S1/2SE1/4 to the northwest corne of the above described parcel of land;

Thence S 9°01'23"E, a distance of 330.16 feet to a point of a line 50.00 feet northeasterly from the centerline o former PIN Railroad tracks;

Thence S 47°19'31"E, parallel to and 50.00 feet northeasterly from the centerline of said former PIN Railroac tracks, a distance of 16.19 feet to a point of curvature;

Thence a distance of 373.96 feet along the arc of a 904.93 foot radius curve to the left, having a central angle of 23°40'38", and a long chord bearing S 61°18'52"E a distance of 371.30 feet, said curve being 50.00 feet northeasterly from the center of said former PIN Railroad tracks;

Thence S 4°53'45"W, a distance of 473.92 feet, to the TRUE POINT OF BEGINNING on the centerline of said easement;

Thence N 8°17'24" W, a distance of 135.09 feet along the centerline of said easement;

Thence S 17°58'03"W, a distance of 101.76 feet along the centerline of said easement;

Thence S 9°19'54"E, a distance of 141.84 feet along the centerline of said easement;

Thence S 40°36'56"E, a distance of 418.32 feet along the centerline of said easement;

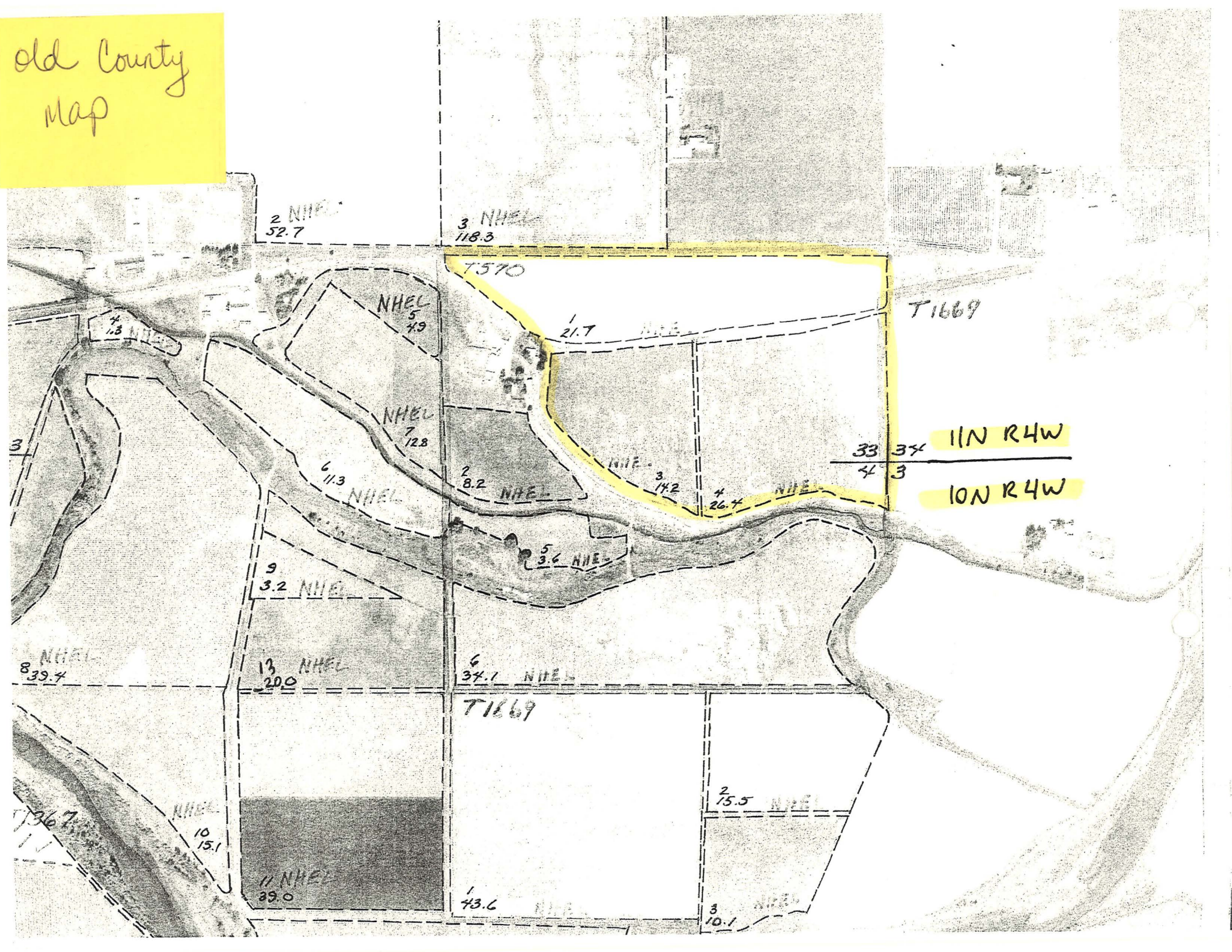
Thence S 48°59'46"E, a distance of 126.29 feet along the centerline of said easement;

Thence S 61°25'25"E, a distance of 259.65 feet along the centerline of said easement;

Thence S 76°09'35"E, a distance of 118.94 feet along the centerline of said easement;

Thence S 63°50'23"E, a distance of 140.94 feet along the centerline of said easement to the point of ending, which point bears N 13°24'04"E, a distance of 26.00 feet from the southwest corner of the above described parcel of land.

ALSO TOGETHER WITH THE SUBJECT TO all utility, irrigation, and drainage easements of record or in use.


old County Map
T570
T1669
11N R4W
10N R4W
33
34
4
3
NHEL
NHE
2 52.7
3 118.3
5 4.9
1 21.7
4 1.3
7 12.8
6 11.3
2 8.2
3 14.2
4 26.4
5 3.6
9 3.2
8 39.4
13 20.0
6 34.1
T1669
2 15.5
10 15.1
11 39.0
1 43.6
3 10.1

B - INQUIRY

File Edit Transfer Appearance Communication Assist Window Help

2/24/04 PMO

PARCEL: RP 11N04W338410 A

POLLARD, EDWARD L

2117 WEISER RIVER RD

WEISER ID 8367

WEISER RIVE

X for parcel comments

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
1	2000	62340	AC					
19	2000	6110	AC					

TOTALS 68450

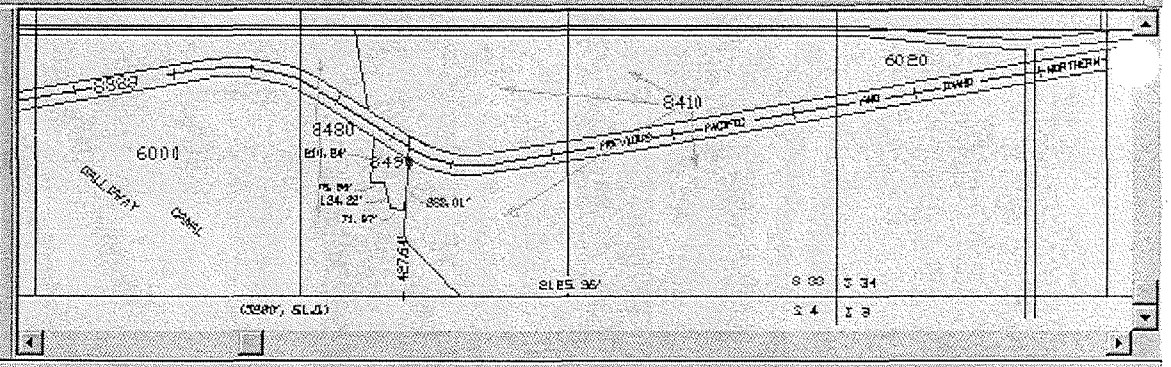
ENTER NEXT PARCEL NUMBER RP _____ A

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F8=CT F13=TM F18=HS F20=Srch F22=EU

AutoCAD LT - [11n4w8.dwg]

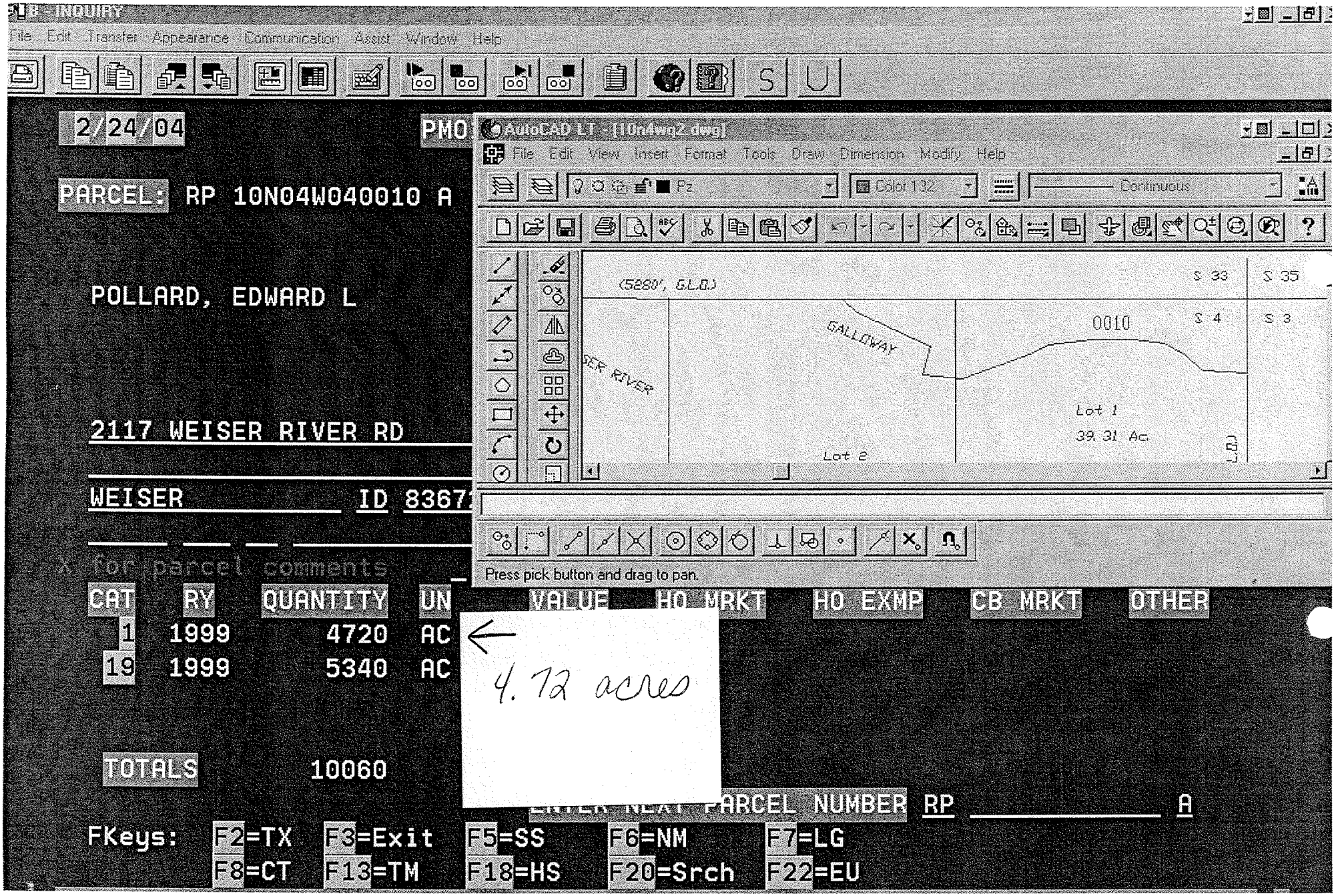
File Edit View Insert Format Tools Draw Dimension Modify Help

Lines Cyan Continuous



Press pick button and drag to pan.

62.34
ACRES


B - INQUIRY
File Edit Transfer Appearance Communication Assist Window Help
2/24/04
PARCEL: RP 10N04W040010 A
POLLARD, EDWARD L
2117 WEISER RIVER RD
WEISER ID 8367
for parcel comments
CAT RY QUANTITY UN VALUE HO MRKT HO EXMP CB MRKT OTHER
1 1999 4720 AC
19 1999 5340 AC
TOTALS 10060
ENTER NEXT PARCEL NUMBER RP A
FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=Srch F22=EU
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Color 132
Continuous
(5280', G.L.O.)
S 33
S 35
S 4
S 3
0010
GALLOWAY
SER RIVER
Lot 1
39.31 Ac.
Lot 2
Press pick button and drag to pan.

4.72 acres

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: **A67-04039**
Date Received: 8/25/1989
Receipt No: C010346
Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLYDE SMITH 208-549-0507
   Address: 2061 WEISER RIVER RD.
   WEISER, ID 83672
   AND/OR
   Name: DAN C. SMITH 208-549-0507
   Address: 2061 WEISER RIVER RD.
   WEISER, ID 83672

2. Date of Priority: JUN 01, 1923

3. Source: WEISER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
11N	04W	35	SW NE NE		WASHINGTON

5. Description of diverting works:
   DIVERTED FROM WEISER RIVER INTO GALLOWAY CANAL, THEN TO DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S (or)	A.F.A.
IRRIGATION	03/15	11/15	2.600	

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

8. Total consumptive use is 455.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   NONE

MICROFILMED
OCT 02 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
10N	04W	4	NE	NE		IRR	30.0
			NW	NE		IRR	30.0
						Section Acres	60.0
11N	04W	33	SW	SE		IRR	35.0
			SE	SE		IRR	35.0
						Section Acres	70.0
						Total Acres	130.0

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:
67-07165

14. Remarks:
ORIGINAL POINT OF DIVERSION WAS IN THE NESE OF SEC. 35
THIS RIGHT SHOULD DEFAULT TO WATER RIGHT LICENSE 67-07165

15. Basis of Claim: STATUTORY CLAIM

MICROFILMED
OCT 02 1992

16. Signature(s)

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

Number of attachments: 1

For Individuals:

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

Signature of Claimant(s): Dan Smith Date: 8-25-89

_____ Date: _____

State of Idaho)
) SS.
County of ADA)

Subscribed and sworn (or affirmed) before me this 25TH day of AUGUST 19 89

Jeff Peppersack
Notary Public

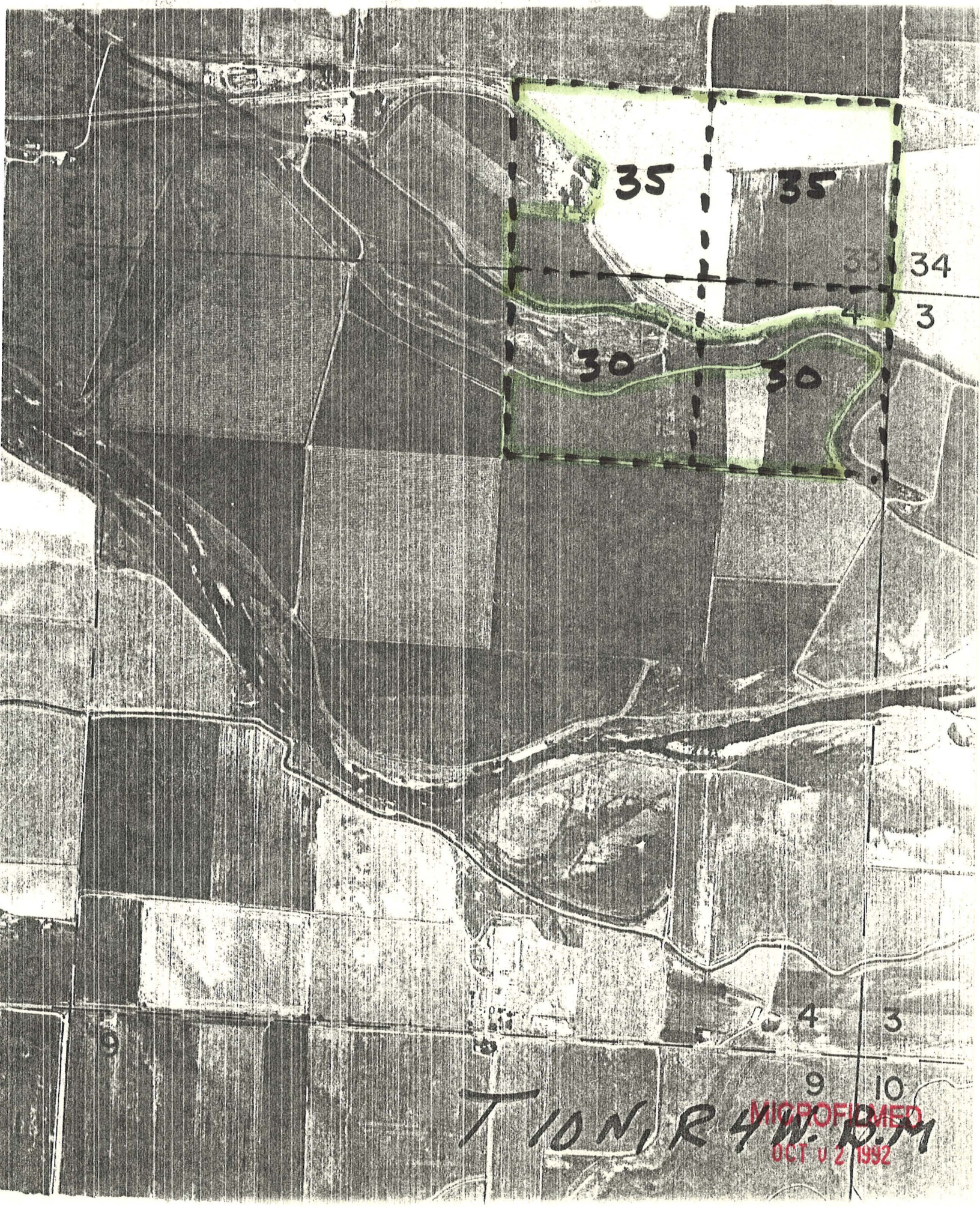
Seal

Residing at _____

My Commission Expires _____

Jeff Peppersack, Notary Public
Residing at Boise, Idaho
My Commission Expires Nov. 8, 1994

MICROFILMED
OCT 02 1992



MICROFILMED
OCT 0 2 1992

MEMORANDUM

DATE: 3/25/2004

FROM: Lori Graves

TO: Water Right File 67-7165, SRBA File 67-4039 - Split to 67-14444 + 67-14445

RE: Ed Pollards Ownership Change Confusion

Ed Pollard paid $100 to change a portion of water right 67-7165 into his name. This right was licensed prior to 1987 but has not been claimed in the SRBA. Kay Walker sent Mr. Pollard a letter 3/4/2004 requesting that a claim be filed. The owner listed on the right that Mr. Pollard purchased his property from is Clyde Smith.

Dan Smith (Clyde Smith's son) and Mr. Pollard met with me 3/23/2004 to discuss the problem. Dan Smith said that he had filed an SRBA claim.

As it turns out, in 1973, Clyde Smith filed application for permit no. 67-7165 and statutory claim no. 67-4039 for the same acres, system and amounts. He filed the statutory claim because he did not want to lose priority of when he first put the water to beneficial use. He filed the application for permit because he wanted a perfected water right, which the statutory claim did not provide. The application was examined and licensed for 72 "upper" acres irrigated with a pump system. According to Dan, Clyde failed to show the examiner the lower acres irrigated with the ditch system, which is why only 72 acres got licensed.

Anyway, an SRBA claim was filed on the statutory claim listing a 1923 priority date and 160 acres. A claim was not filed on the license because the licensed amounts are included in the statutory claim. The Smiths will be submitting affidavits establishing the priority date and also an explanation regarding the acres licensed vs. acres claimed.

As a result, Mr. Pollard filed a change in ownership on 67-4039. Denise submitted a refund request for the $100 paid for Mr. Pollard's change in ownership for 67-7165, which is now N/A and can be returned.

3/26/04 update: I called Dan Pollard and asked that in the information he was submitting, he include an explanation on how the upper acres were irrigated via gravity system in 1923. He stated that he could provide evidence that the lower acres were irrigated since ~1933 via gravity, but not the upper acres. Pumps for irrigation of the upper acres were installed in 1954, which he can also provide evidence for.

Jan Shurte said that we would evaluate Dan's evidence and information when received and determine whether to just advance Mr. Pollard's priority date on his portion of the claim (upper acres) or create a new number.

SCANNED
APR 16 2004

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

March 24, 2004

CLYDE SMITH
DAN C SMITH
2061 WEISER RIVER RD
WEISER ID 83672

Re: Original Notice of Claim to a Water Right No. 67-4039

Renumbered to Notice of Claim to a Water Right No. 67-14444

Dear Claimant(s):

We have received and processed a Change of Ownership for a portion of your original Claim to a Water Right Number as referenced above. This change of ownership resulted in a split of your original claim.

When a portion of the original water right claim has been conveyed to another and the original right has been split, then the original claim number is renumbered by issuing a new water right number to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new claim number reflects your remaining portion of the original claim after the change of ownership. Enclosed is a copy of this new claim for your records. Please refer to your new claim number when corresponding with our office.

Please note that the enclosed Notice of Claim to a Water Right is not a determination of your right. This claim represents the remaining portion of the claim 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, as we have had several water right changes to process. If you have any questions concerning this ownership change, or the enclosed claim copy, please feel free to contact this office.

Sincerely,

Adjudication Section
Western Region Office

DB: db

Enclosure

IDWR Field Exam Form 03/20/2006

Priority Date Data Entry Form

Claim Number 67-14444

Claimed Priority Date: 6/1/1923 Claimed Basis: Statutory Claim

__ **Use Claimed Priority Date and Basis as Recommended Priority Date and Basis**

Water Right Priority Date: Water Right Basis:

Recommended Priority Date 08 16 1933 Recommended Basis B. Use

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

08-16-1933

one day after license for 67-2164

Reviewer: MVB Date: 3-20-06

IDWR Field Exam Form 03/20/2006

Point of Diversion and Source Data Entry Form

Claim Number 67-14444

Claimed Point of Diversion and Source

T11N R04W S35 SWNENE Within WASHINGTON County Source: WEISER RIVER SNAKE RIVER

X **Use Claimed POD and Source as Recommended POD and Source**

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source	Tributary To

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source

Other rights from this POD? _____

Document how the POD and Source were verified:

POD is Galloway Ditch. A0017614
There are rediversions:
GPS name: SMITH1
OUTLET
PUMPS
See map in 67-14445

Reviewer: MVB Date: 3-20-06

IDWR Field Exam Form 03/20/2006

Place Of Use Data Entry Form

Claim Number 67-14444

Claimed Place Of Use

T10N R04W S04	NENE	23.00	T10N R04W S04	NWNE	29.00		
T11N R04W S33	SWSE	11.00					

Total Acres 63

X **Use Claimed POU as Recommended POU**

Water Right Place Of Use

Recommended Place of Use _____ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres ____

Document how the POU was verified:

see map in 67-14445 - recommend according to those acres claim file map

MVB

3-20-06

Reviewer: _____ Date: _____

Purpose of Use Data Entry Form

Claim Number 67-14444

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

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:

FE verified; imagery supports

Reviewer: MKB

Date: 3-20-06

IDWR Field Exam Form 03/20/2006

Period of Use and Quantity Data Entry Form

Claim Number 67-14444

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	03/15	11/15	1.26	

Overall Diversion Rate 1.26 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

Overall Diversion Rate Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

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

rec IDWR standard
surface H_2O - no volume limit needed

upper acres irrigated w/ pumps - calculation attached

lower acres gravity irrigated from Galloway - ditch measurement done in FE for 67-7156 (Smith Land & Livestock) - attached
Capacity: 8.04 cfs
67-7156 licensed cfs: 1.38 cfs
recommended for 67-14444: _____ - much less than calculated capacity of

Reviewer: MVB Date: 3-20-06

IDWR Field Exam Form 03/20/2006

Contacts Data Entry Form

Claim Number: 67-14444

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	CLYDE SMITH	2061 WEISER RIVER RD	WEISER	ID	83672	(208)549-0507
Current Owner	DAN C SMITH	2061 WEISER RIVER RD	WEISER	ID	83672	(208)549-0507

Date of Field Exam: _____ Time: _____

Accompanied By: Dan Smith Phone Number: 549-0507

Relationship to Claimant: -claimant

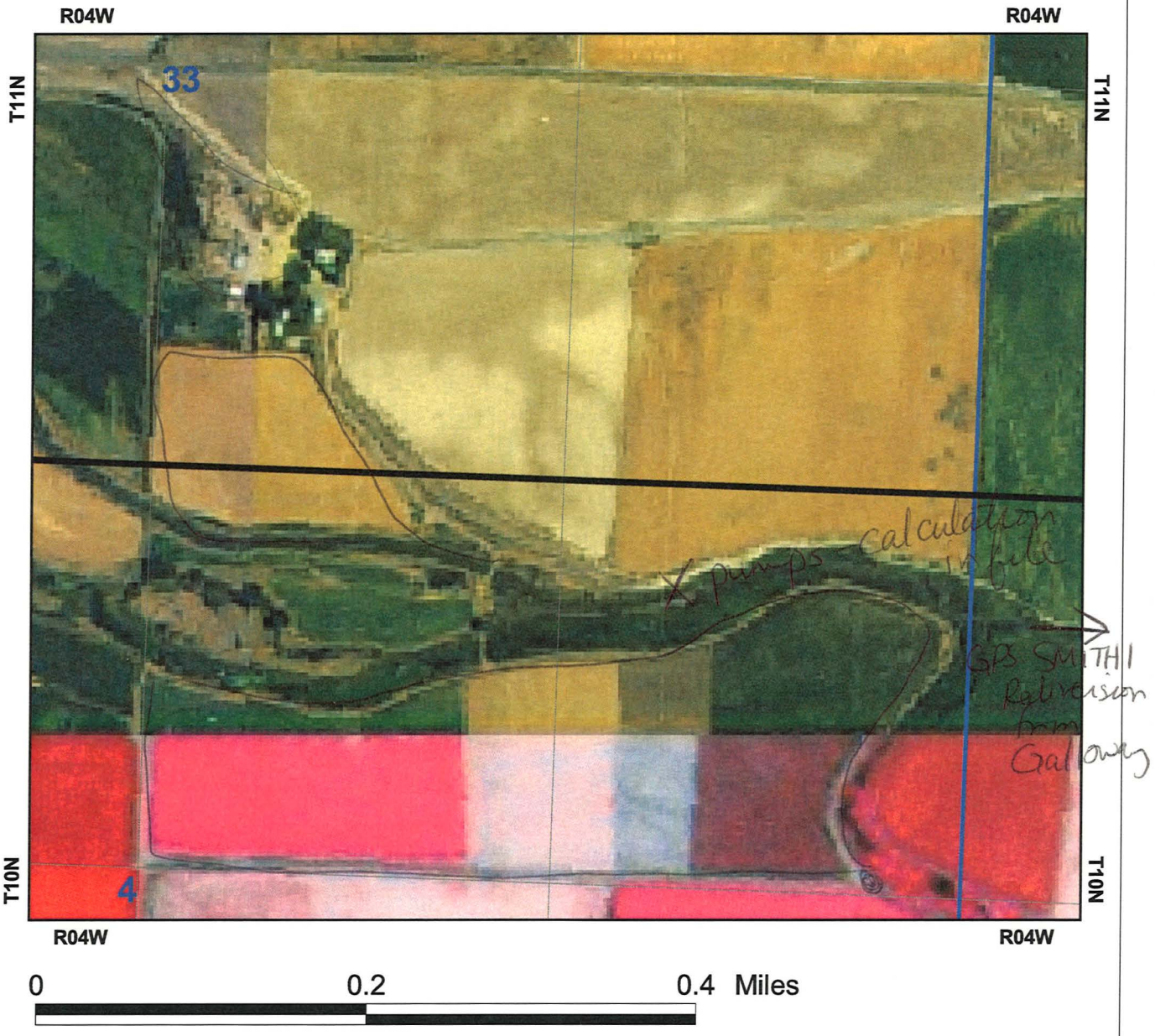
Directions to Property (if different from above) and/or update owner information:

Clyde is deceased -did not solicit c/o

Reviewer: MVB Date: 3-20-06

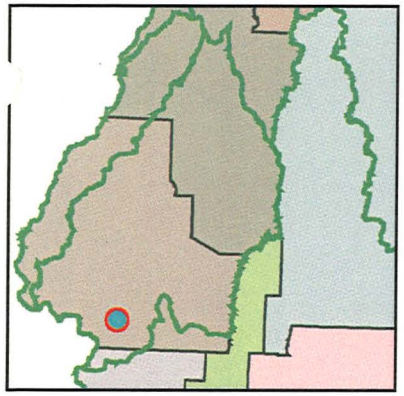
Idaho Department of Water Resources

Adjudication Claim:
67-14444



Legend

Townships
PLS Sections
Quarter Quarters



Washington County
IDWR Basin 67

N

Prepared by M. Van Bussum
On Monday, March 20, 2006
1987/88 Aerial Photography

THEORETICAL HORSEPOWER EQUATION WORKSHEET (cjh 1/92)

Water Right No.: 67-14444 and 67-14445
Examiner: Monica Van Bussum
Date of Field Exam: 3/20/2006

P/D No.:	RAINFLOW	STERLING	CASCADE	
PUMP HORSEPOWER	30	30	7.5	
BOOSTER HORSEPOWER	0	0	0	
PUMPING LEVEL	25	25	25	
DISCHARGE PRESSURE	0	0	0	
RATE OF FLOW (cfs)	7.39	7.39	1.85	5.54

The above calculates the formula =

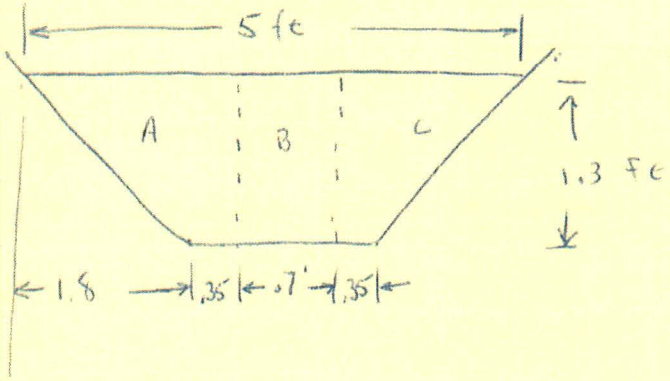
$$Q = \frac{8.8 * (Efficiency) * hp}{\text{depth to water} + 2.31*(psi)+\text{friction}}$$

Assumptions: %70 efficiency.
No Friction

Examiners Notes:

Measurement Calculation

P.D. (2)



Concrete Ditch Dimensions

Area A = 1.63 ft²
Area B = 0.91 ft²
Area C = 1.63 ft²

Flow measured with Pygmy Meter

For Area A

$$\frac{40 \text{ rev.}}{21 \text{ sec.}} = \frac{120 \text{ rev.}}{63 \text{ sec.}} = 1.91 \frac{\text{ft}}{\text{sec.}}$$

For Area B

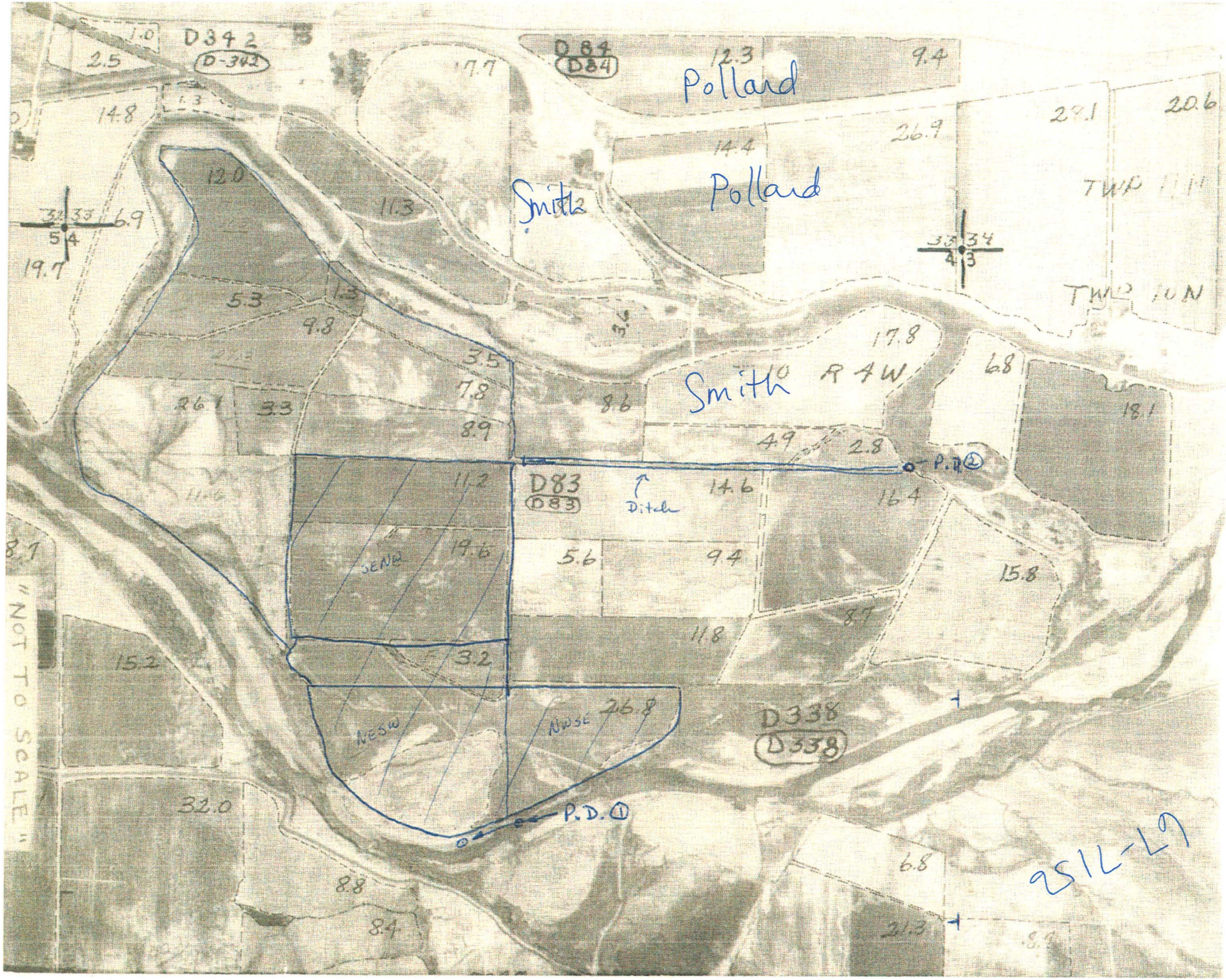
$$\frac{40 \text{ rev}}{16 \text{ sec.}} = \frac{160 \text{ rev.}}{64 \text{ sec.}} = 2.49 \frac{\text{ft}}{\text{sec.}}$$

$$\frac{40 \text{ rev.}}{17 \text{ sec.}} = \frac{160 \text{ rev}}{68 \text{ sec.}} = 2.34 \frac{\text{ft}}{\text{sec.}}$$

Average = 2.42 ft/sec.

For Area C

$$\frac{40 \text{ rev.}}{24 \text{ sec.}} = \frac{80 \text{ rev.}}{48 \text{ sec.}} = 1.67 \frac{\text{ft}}{\text{sec.}}$$


D342
D-342
D84
D84
Pollard
Pollard
Smith
Smith
TWP 11N
TWP 10N
R4W
D83
D83
Ditch
D338
D338
P.D. ①
P.D. ②
SENE
NESW
NWSE
"NOT TO SCALE"
2512-L9

MEMORANDUM

TO: File

FROM: Monica Van Bussum

DATE: December 19, 2005 (additional notes 2-2-06 in red)

RE: Splits of 67-4039, default to 67-7165

This memo is to serve as a course of action plan for 67-14444 and 67-14445, splits of 67-4039, depending on the outcome of a meeting of the Basin 67 team with Legal on January 10.

This is what we know:

1. 67-4039 is the same POD as the Galloway Canal. So is 67-7165.
2. 67-4039 replicates and enlarges 67-7165. Dan Smith said 67-7165 was licensed incorrectly because his dad, Clyde, failed to show the field examiner additional acres listed in the application. 67-7165 was not claimed in the SRBA but it is clear from the comments in 67-4039 that 67-4039 is an enlargement on 67-7165.
3. The diversion calculation for 67-7165 appears to be incorrect. In putting the pump parameters and making typical assumptions for lift and pressure into a spreadsheet in Excel, we come up with a much larger diversion rate. After speaking with Carter Fritschle, we determined the first pump measurement (5/10,000 ac-ft in 55 seconds) was most likely to be the cause of error because it did not allow enough time for a correct measurement on a totalization meter.
4. In 1932, Smith/Shoesmith signed an agreement with WID that WID would supply no more than 600 acres for Smith/Shoesmith acres, at that time 320 acres of irrigable land. Later, Smith/Shoesmith were licensed for 5.98 cfs and 299 acres (67-2164). 67-4039 splits appear to enlarge on the 67-2164 license.

We need to know:

1. Correct diversion rate for these two pumps. We may be able to go on general assumptions in the cfs from horsepower calculation. We might need another measurement.
2. Our meeting with Legal on January 10 should determine if Smith/Shoesmith were able to divert up to the 600 inches and enlarge the irrigated lands in the future, even though their lands at the time only amounted to 320 acres. (NOTE: Per Chris Bromley in e-mail, the contract states the water transported for Smith/Shoesmith shall be Smith/Shoesmith water and the Smith/Shoesmith parties were limited to 600 inches. MVB 2-2-06)

Courses of action:

1. If Legal says Smith/Shoesmith were able to enlarge, we can recommend 67-14444 and 67-14445 according to the attached spreadsheet with a priority date of one day after license 67-2164. (See note above. We are recommending according to this option. MVB 2-2-06)
2. If Legal says Smith/Shoesmith were not able to enlarge, we can recommend 67-2164 as noted in the split tree, then recommend 67-14444 and 67-14445 based on license 67-7165. We will need to revisit the diversion rate error for 67-7165 with Shelly Keen if this needs to be the course of action. Any remaining lands would then be recommended as part of the WID claims.

THEORETICAL HORSEPOWER EQUATION WORKSHEET (cjh 1/92)

Water Right No.: 67-7165
Examiner: William MacAlbert
Date of Field Exam: 5/12/1977
Agents: Monica Van Bussum & Craig Saxton
Date: 12/19/2005

P/D No.:	1	2
PUMP HORSEPOWER	30	30
BOOSTER HORSEPOWER	0	0
PUMPING LEVEL	15	15
DISCHARGE PRESSURE	50	60
RATE OF FLOW (cfs)	1.42	1.20

The above calculates the formula =

$$Q = \frac{8.8 * (\text{Efficiency}) * hp}{\text{depth to water} + 2.31*(psi)+\text{friction}}$$

Assumptions: %70 efficiency.
No Friction

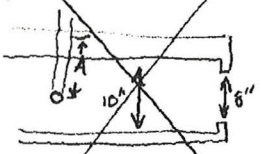
Examiners Notes:
This calculation was done to check a 1977 field exam that led to a license recommended at 0.4 in to the acre.

Sedgwick Not operational yet CS
drip'ca + will call
later flow sensor

5/12/77 67-7156

10" pipe A = .75 ft

8" pipe surface



General Electric motor 10 hp.

Model # 5K284XK451

Cornell Manufacturing Co. Centrifugal pump

4 ft sump with ②12" pipes into river

65-7165

55 sec.

5 x $\frac{1}{1000}$ Acre feet

448.8 gpm 4.½ gpm x 5

48. 20 gpm

325 gpm 325,900

326
5
1500

measurement

$\frac{5}{10000}$ Acre Foot / 55 sec.

Sterling motor
30hp
N15425-02
Lifter out of canal
Musco 766985 in line flow meter

Marcos Fortuna

12 seconds pumped 20 gallons
2 gallons
in line flow meter
Musco meter # 766954
6" line to fields
sprinklers

~~20 gp~~
100 gpm
6000
24
2000
120000
44,000

General Electric motor model # 5K1364 PW1
30 hp
Centrifugal Rain Flow model # 4W30-2

DATE OF EXAM 5/12/77

ACREAGE
Found 71.20 Acres
Recommended 71.20

Irrigation Requirement 4.5 Ac Ft/Ac

USE
Irrigation Q= ~~0.66~~ 0.62cfs see measurement c.f.s. V= 320.40 AF/Ann. from 3-15 to 11-15
Domestic Q=____ c.f.s. V=____ AF/Ann. from ____ to ____
Livestock Q=____ c.f.s. V=____ AF/Ann. from ____ to ____

Is water co-mingled? yes____ no ✓

Name source: ____
twp.____ N/S, Rge____ E/W, B.M., Sec.____, Sub.____ ¼____ ¼____ County

Exchange? yes____ no ✓

Name source exchanged with: ____
twp.____ N/S, Rge____ E/W, B.M., Sec.____, Sub.____ ¼____ ¼____ County

Point of injection:
twp.____ N/S, Rge____ E/W, B.M., Sec.____, Sub.____ ¼____ ¼____ County

Point of exchange:
twp.____ N/S, Rge____ E/W, B.M., Sec.____, Sub.____ ¼____ ¼____ County

Total Q measured ~~0.66~~ 0.62cfs cfs Method of measurement meters (in line)
① 766985
Total Q recommended ~~0.66~~ 0.62cfs Meter No ② 766954 Type in line Condition good

Total V recommended 301 = .62(1.98)245

Recommended Amendments:

P.D. NE¼ NE¼ section 35, T11N, R4W.
Place of Use ____
Other ____
None ~~____~~

MEASUREMENT CALCULATION:
Pump ① [5/10,000 Acre ft./555sec.] x 325900 gal/Acre ft x 60 sec/min / ~~60 sec/min~~ x 448.8 gallon/min/cfs = 0.40 cfs

Pump ② [20 gallons/12 sec.] x 60 sec/min / 448.8 gallon/min/cfs = 0.22 cfs, 0.62 cfs

SYSTEM DESCRIPTION:
Diverted from Weiser River in Galloways Canal to Lot 1, Sec. 4, T 10N., R 4W. Water is pumped from canal to Place of Use by means of 2 pumps. Pump ① Sterling motor # N154502, 30hp., litter pail of canal, with ~~Muesco~~ Muesco in line meter. Pump ② General Electric motor # 5K1364PW1, 30hp., Centrifigal Rain flow pump, model 4W30-2, with Murso in line meter. Fields sprinkler irrigated.

REMARKS:

Examiner's Signature Willis H. MacAllister III Date 5/16/77
Checked by VVL Date 5-20-77
Approved by ____ Date ____

RECEIVED
OCT 04 2005
DEPARTMENT OF
WATER RESOURCES

RECEIVED
OF
DEPARTMENT OF
WATER RESOURCES

9-24-05

Monica Van BusSen
Water Resources - Boise

Please find enclosed further evidence we discussed at our meeting on 9-22-05

The invoice from Grower Supply would apply to water license 67-7165 - This would be the "additional acres"

This would be the land now owned by Ed Pollard -

also enclosed is the water carrying agreement with Weiser Irrigation

The original was with Shoe Smith's and Polly Smith (my Grandmother)

The 1975 agreement was with Clyde Smith (my father)

I hope this helps to clarify what we talked about

Sincerely
Dan Smith

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OCT 04 2005

GROWERS SUPPLY CO., Inc.

SPRINKLER IRRIGATION SYSTEMS

PHONE 65-3 **FRUITLAND, IDAHO**

October 18, 1954

SOLD TO Mr. Clyde Smith
Weiser, Idaho

SHIPPED TO

INVOICE DATE 10-12-54
INVOICE NO. 13615
YOUR ORDER NO.
DATE SHIPPED
SHIPPED BY
TERMS: NET

Quantity	DESCRIPTION	UNIT PRICE	AMOUNT
120'	6" x 30' Steel pipe, 12 gauge	$ 1.15	$ 138.00
1020'	6" x 30' aluminum pipe, plain	1.02	1,040.40
480'	5" x 30' " " "	.74	355.20
1	6" x 5" reducer		13.00
1	5" end plug		4.80
8	6" x 6" x 4" Tee valves	33.20	265.60
4	5" x 5" x 4" " "	29.00	116.00
3	4" x 4" Valve opening elbows	24.60	73.80
90'	4" x 30' aluminum pipe with couplers	.81	72.90
3	4" x 4" elbows	10.00	30.00
60'	4" x 20' aluminum pipe with couplers	.95	57.00
3080'	4" x 40' " " " "	.735	2,263.80
3	4" end plugs	4.00	12.00
80	#40 sprinklers, risers and reducers	6.38	510.40
			$ 4,952.90

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Growers' Supply Co., Inc.

WHOLESALE - - - RETAIL

Phone 65-3 Fruitland, Idaho

September 3, 1954

Name Clyde Smith Address Weiser, Idaho

Number of acres in farm ..... Acres Irrigated 65

Source and amount of water Ditch

Available Power: Single Phase ....., 3 Phase X, Gasoline .....

Application inches per hour .3, Frequency of irrigation days 8

Number of settings required 48, Number of moves per day 6

Sprinklers: Number 84, Discharge GPM 7.5, Size 3/16" x 3/32"

Lateral: Number 3 Length 1,100', Diameter 4"

Number ..... Length ....., Diameter .....

Number ..... Length ....., Diameter .....

Main Line: Length 1,620 Diameter 6" & 5"

Friction loss in lateral 10, Main 25, Suction Lift 5

Elevation above pump 20, Sprinkler pressure 80

Gain or loss in elevation ....., Friction Loss fittings 5 Total Head 145

Pump required to deliver 670 GPM at 150 Foot Head

Pump Efficiency ....., Theoretical HP ....., Actual HP 30

Estimated cost of installation .....

Terms of proposed sale .....

Additional comments: Kind of crops. Type of soil, etc. .....

.....

.....

.....

.....

Salesman

PURCHASE ORDER

Please enter order for delivery of items described on reverse of sheet to be shipped as follows ..... on or about ..... Deposit on order .....

Balance due on date of delivery .....

.....

Purchaser

.....

Address

.....

Approved by Dealer

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capacity as in the judgment of first party is necessary to put said ditch in proper condition to carry therein all of the water first party will need to carry through its system, from Weiser River, and in addition thereto to carry therein water needed by second parties for the irrigation of their present lands, said amount, however, which is to be carried for second parties shall not exceed 600 miners inches. In order to accomplish said enlargement first party is to have and second parties hereby grant to first party such additional lands as first party deems necessary to enlarge said canal in the first place and thereafter to maintain and operate same.

b. First party, during the irrigation season each year is to carry through its works, including said ditch as enlarged, from its headgate at the Weiser River down to the point where said new ditch will enter the present old canal of the first party all irrigation waters of second party, as second parties may desire same, for the irrigation of their present lands, being about 320 acres of irrigable lands, said amount, however, shall not amount to more than 600 miners inches, second parties shall have the right to say, the amounts, from time to time, during each irrigation season, first party shall so carry and deliver to them, the amount, however, at no time to amount to more than 600 miners inches. Said water is to be by first party delivered into the present conduit of second parties, at the point hereinbefore named.

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OCT 0 4 2005

c. Second parties hereby grant to first party good and sufficient right of way for the purposes hereinbefore named, across the said lands of Ida M. Shoesmith, along the present site of said ditch, in order to connect up the said Smith-Shoesmith ditch with the present canal of first party, at a point approximately 300 to 400 feet below the present old headgate of first party.

d. All of the expense of building and enlarging said old ditch, building of new diversion works, and all other improvements hereinbefore contemplated shall be paid and bourn by first party. Thereafter all expense of maintainence of said ditch from its head in Weiser Canyon down to the point where second parties take their water from said canal shall be jointly paid by the parties hereto in the following proportions, viz: 24/25ths by first ~~party~~ party and 1/25th by second parties. Each year each party shall pay same within 30 days after the amounts thereof shall be ascertained. However, it is agreed that first party shall have the sole right of possession of said canal and of making improvements and annual up-keep work thereon.

e. Said Ida M. Shoesmith shall have the right to install in the canal of the first party at the point covered by the present contract between the District and said Shoesmith governing the erection of such water wheel, a water wheel of size and dimension covered by said present contract. Same shall be so installed in the first place and thereafter to be so maintained by second parties that the works of the

first party shall not be endangered and the flow of water in said canal shall not be impeded. Said wheel shall be used for pumping water not to exceed 25 inches on to some high lands of second party and to run a small dinamo for creating electric energy to light the Shoesmith home and run farm machinery on the Shoesmith place. The right to use such electric energy generated shall be limited to the present Shoesmith place. Said Shoesmith shall have the right to transport through the canal of first party down to the point where said wheel is erected, such 25 miners inches of water for irrigating such high lands of said Shoesmith.

f. It is expressly agreed that the water which first party is to so transport through its said canal for said second parties, or either of them, shall be the waters of the said second parties and first party shall not be under any obligation to furnish any water for either of the parties of the second part.

g. It is further agreed that in the event that at any future time the party of the first part refuses to transport water to parties of the second part as hereinbefore agreed, then, and in that event, all rights of party of the first part in and to the Smith-Shoesmith ditch or canal as enlarged under the terms of this agreement shall cease and the exclusive right to possession and control of said ditch or canal shall be again vested in parties of the second part.

h. First party shall not be obligated to transport through its canal, for second parties, or either of them, any of

SCANNED
OCT 0 4 2005

the waters hereinbefore mentioned and set forth at any other times than during the irrigating season and in fall of the year when first party is operating its irrigation system for the use of its landowners within the Weiser Irrigation District.

It is stipulated that time and the strict performance of the terms of this contract are the essence thereof and that the same shall be binding upon the parties hereto, their successors, heirs, personal representatives and assigns.

IN WITNESS WHEREOF, this contract has been executed by the respective parties hereto this the 22nd., day of November, 1932.

WEISER IRRIGATION DISTRICT

By W W Lovelace
President.

Attest: Oliver J. Smith
Secretary

Mrs Ida M. Shoesmith

Mrs Polly A Smith

STATE OF IDAHO,)
) ss.
County of Washington,)

On this the 22nd day of November, 1932, before me, Ed R. Coulter, a Notary Public in and for the State of Idaho, personally appeared W. W. Lovelace and Oliver J. Smith, known to me to be the president and secretary, respectively, of Weiser Irrigation District, the corporation executing the within instrument, and acknowledged to me that they executed the same.

And on the same date and time also personally appeared before me, as such Notary Public, Polly Smith, and Ida M. Shoesmith known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal this the day and year in this certificate first above written.

Notary Public for Idaho;
Residing at Weiser, Idaho.

STATE OF OREGON,)
) ss.
County of Marion,)

On this the_____day of_____, 1932, before the undersigned, a Notary Public in and for the State of Oregon, the within named Ida M. Shoesmith, known to me to be the person whose name is subscribed to the within instrument, appeared before me and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal this the day and year in this certificate first above written.

Notary Public for Oregon;
Residing at_____Oregon;
My commission will expire
_____, 19__

SCANNED
OCT 0 4 2005

WATER CARRYING AGREEMENT

THIS AGREEMENT, Made and entered into this 2nd day of September, 1975, at Weiser, Idaho, by and between:

THE WEISER IRRIGATION DISTRICT, a quasi-municipal corporation, organized and existing under and by virtue of the laws of the State of Idaho, with its main office and principal place of business at Weiser, Idaho, PARTY OF THE FIRST PART;

and

CLYDE SMITH, of the County of Washington, State of Idaho, PARTY OF THE SECOND PART;

WITNESSETH, WHEREAS: The party of the second part is the owner of forty (40) acres of land, located outside the external boundaries of the party of the first part but in sufficiently close proximity to the canal owned by the party of the first part and used by it for delivery of water to its patrons within its corporate boundaries so that the lands of the party of the second part can be irrigated therefrom;

AND WHEREAS: The party of the second part is the owner of Two Hundred Forty-five (245) acre feet of storage water in Crane Creek Reservoir, which can be used for the irrigation of the lands belonging to the party of the second part;

AND WHEREAS: The party of the first part has sufficient additional carrying capacity in its canal, to-wit: the Galloway Ditch, to accommodate an additional Twenty-five (25) miner's inches of flow at any given time in that portion of its canal lying between its main point of diversion of the Weiser River at the Galloway Dam and the point of diversion for waters to be diverted and applied to the lands of the party of the second part; and it is the desire of the parties hereto to provide for the use of Twenty-five (25) miner's inches of the capacity of the canal of the party of the first part to carry said water so owned by the party of the second part, to his said lands.

NOW, THEREFORE, in order to accomplish the aforesaid purposes, it is mutually covenanted and agreed between the parties hereto as follows:

I.

The party of the second part is hereby granted the right to deliver Twenty-five (25) miner's inches of water through the canal of the party of

SCANNED
OCT 04 2005

the first part to the lands of the party of the second part, consisting of Forty (40) acres of the storage water owned by the party of the second part in Crane Creek Reservoir by application of five-eighths (5/8) of a miner's inch to the acre of land hereinafter more particularly described, at a rate not to exceed Twenty-five (25) miner's inches rate of flow during the irrigation season; and the party of the second part shall have the right to divert the same from the canal of the party of the first part and apply the same to beneficial use upon the lands of the party of the second part, hereinafter more particularly described.

The right herein given is subject to the condition that the party of the second part pay to the party of the first part, no later than the First day of February of each year, the sum of money equal to the operation and maintenance charge that is levied by the party of the first part on a per acre basis against lands belonging to the patrons of the party of the first part within its corporate boundaries; and, for failure to pay said sum, at the time the same shall become due, the party of the first part, in addition to all other remedies available to it and without prejudice to its right to collect the same, may, at its option, refuse to deliver any further waterto the party of the second part in the year in which said default occurs and any subsequent year so long as said sum has not been paid.

As a further condition to the rights herein granted to the party of the first part by the party of the second part, the party of the second part covenants and agrees that, prior to delivery of any water, pursuant to this agreement, in the year 1975, the party of the second part will install, at his own expense, an accurate measuring device at his point of diversion, approved by the State of Idaho Department of Water Administration, to the end and purpose that the total volume of water removed by the party of the second part can readily be ascertained and read and that the rate of flow at any given time can be determined therefrom.

II.

It is mutually covenanted and agreed that, if in any given irrigation season, the party of the second part exhausts and totally consumes

SCANNED
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all of the storage water to which he is entitled in Crane Creek Reservoir, the party of the first part may, through its agent and employees, cause said flow of water from its canal to the lands of the party of the second part to be shut off for the remainder of said season.

III.

In the event of breach of this agreement by the party of the second part, the party of the first part may, at its option, in addition to all other remedies herein provided for and provided by law, terminate this agreement, in which case the same shall be of no further force or effect.

IV.

The lands intended to be irrigated, belonging to the party of the second part, provided for in this agreement, are located in the County of Washington, State of Idaho, more particularly described as follows, to-wit:

The Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$) Section 33, Township 11 North, Range 4 West of the Boise Meridian.

V.

Unless terminated by breach, default, mutual consent of the parties or nonuser, this agreement shall be a convenant running with the above-described land.

IN WITNESS WHEREOF the party of the first part, by resolution of its Board of Directors, has caused this instrument to be executed and its corporate seal to be hereunto fixed, the day and year first above written, and the party of the second part has hereunto set his hand and seal the day and year first above written.

WEISER IRRIGATION DISTRICT

By Erwin Falconer
Chairman

ATTEST: Vincent L. Berg

PARTY OF THE FIRST PART

Clyde Smith

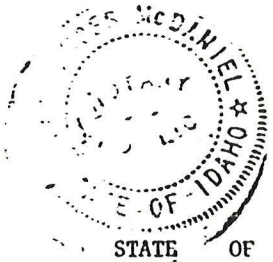
PARTY OF THE SECOND PART

SCANNED
OCT 04 2005

STATE OF IDAHO)
(ss.
County of Washington)

On this 2nd day of September, 1975, before me the undersigned, a Notary Public in and for said State, personally appeared ERVEN FALCONER, and VINCENT F. DERIG to me personally known to be the Chairman and Secretary, respectively, of WEISER IRRIGATION DISTRICT, the corporation executing the within instrument, and acknowledged to me that said corporation executed the same.

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

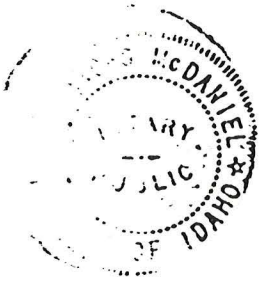


G. Frances McDaniel
Notary Public for Idaho
Residing at Weiser, Idaho

STATE OF IDAHO)
(ss.
County of Washington)

On this 5th day of September, 1975, before me the undersigned, a Notary Public in and for said State, personally appeared CLYDE SMITH, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



G. Frances McDaniel
Notary Public for Idaho
Residing at Weiser, Idaho

MICROFILM 3M SYSTEMS

WATER CARRYING AGREEMENT

WEISER IRRIGATION DISTRICT

AND

CLYDE SMITH

Dated: September 2, 1975

INSTRUMENT NO 106397
STATE OF IDAHO COUNTY OF WASHINGTON ss
Filed for record at the request of
Washington County Title Co.
55 Min past 10:00 o'clock A M
this 9th day of March 19 76
in 9 of Misc. PG 606
Recorder Fee 4.00
By Dessie McClure Deputy

INDEXED
Washington County Title Co.
Weiser, Id.

SCANNED
OCT 04 2005

CONVERSATIONAL MEMORANDUM

TO: File

FROM: Monica Van Bussum

DATE: 22 September 2005

RE: Evidence of Priority for SRBA files for Dan Smith (67-10143 and 67-14444) and Ed Pollard (67-14353 and 67-14445)

I met with Dan Smith this morning to look over his evidence of priority for his land. Ed Pollard has been interested in Dan's evidence of priority because Pollard and Smith purchased (and subsequently split) the old Green place in a change of ownership a few years ago.

Dan provided me with an aerial photo from 1938 of the Weiser area. He showed me the area he owns now and the area Pollard owns (now marked on the map). He also provided a letter from WID that addresses a water carrying agreement. I asked him to make a copy of the water carrying agreement and sent it in since he didn't have a copy of the actual agreement with him.

When we get this final piece of documentation, hopefully we will be able to determine if the Smith/Pollard water is WID water or individual water.

Also, Dan said there are two licenses on the property, but the beneficial use claim adds on some acres. The 1938 photo shows irrigated acres where the unlicensed area is, so it looks like we would be able to recommend a 1938 priority date for the additional acres in the BU claim. He has personal memory of the fields dating back to 1945 because that is the year his grandmother died and he remembers walking across the fields to tell his father. He also has memory of when his father first put the northern acreage (1970s license) on sprinkler, which was in 1954. He briefly mentions this in his affidavit.

During our conversation, Dan mentioned he pays WID for ditch maintenance and for Crane Creek storage water. We need to make sure he has live flow before recommending his or Ed Pollard's claims.

Idaho Department of Water Resources

March 29 2004

Attn: Lori Graves

My Grandfather, Richard Smith bought this farm in 1900 and 1914, after his death in 1926, my Grandmother Polly Smith along with four of her sons took care of the place.

Polly entered into an agreement with Shoesmiths in the 1920s to bring water to some land in the bottom by the Weiser River.
They gradually leveled and built ditches to carry the water.

In 1933 they agreed to let the Weiser Irrigation take over their ditch and carry water for Smith and Shoesmith.

Ida Shoesmith and Polly Smith were issued a license and certificate of water right in 1933, #17813.
The license did not include the land that I now own, however it was described in the certificate of completion of works.

It is our belief that it was all completed and irrigated prior to 1938 when Einspahrs purchased the Shoesmith place.

In 1954 my father, Clyde Smith put an additional 61.1 Acres under sprinklers.

To the best of my knowledge this is how we arrived at our conclusions.

Dan Smith

Weiser Idaho



Danni M Smith
Expiration
12/5/2006

Signed before me
Sept. 22, 2006

Idaho Department of Water Resources

March 29 2004

Attn: Lori Graves

We moved to Weiser in 1938 and purchased the Shoesmith place.

I remember the Smiths irrigating the fields to the west of our place, at that time.

This land is located in the North East Corner of Section 4 Township 10 North, Range 4 West. This consists of approximately 40 Acres.
Also there was about 8 Acres in the South West 1/4 of the South East 1/4 Section 33 Township 11 North, Range 4 West under a water wheel.

Clyde Smith started watering another 3 fields West of our place in 1954.
These fields were located in the North East Corner of Section 4 Township 10 North, Range 4 West about acres and about acres in the South East Corner of Section 33 Township 11 North, Range 4 West.

Alba Einspahr

Weiser Idaho

Copy sent to Lori Graves was signed, but not notarized

Idaho Department of Water Resources

March 29 2004

Attn: Lori Graves

I was born on the Smith Farm in 1935.
My earliest recollection of irrigating was in 1940.

The land they were irrigating was about 40 Acres in the North East Corner of Section 4 Township 10 North, Range 4 West.

There was also about 8 Acres under a water wheel in the South West 1/4 of South East 1/4 of Section 33 Township 11 North, Range 4 West.

In 1954 Clyde Smith put a pump in the Galloway Canal to irrigate 7½ Acres in the North East Corner of Section 4 Township 10 North, Range 4 West, and about 57.6 Acres in the South East Corner of Section 33 Township 11 North, Range 4 West.

Richard Smith
Richard Smith

Weiser Idaho

Dusti Lynn Kindall
expires 3/15/09
resides - 2988 Mill Rd
Cambridge ID
83610

DUSTI LYNN KINDALL
NOTARY
PUBLIC
STATE OF IDAHO

Form 22

Permit No. 17813

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify that IDA M. SHOESMITH AND POLLY A SMITH of Weiser, County of Washington, and State of Idaho, the holder s of Permit No. 17813, issued upon Application No. 24953 bearing date of priority of August 15, 1933, authorizing the diversion of 9.14 second feet of the waters of Weiser River

County of Washington, State of Idaho, for irrigation & domestic purposes, have 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 9.14 second feet of the waters of Weiser River

that the point of diversion of said waters is in NE¼ SE¼, Sec. 35, T. 11 N., R. 4 W., B. M.

and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:

457 acres; Lot 3-22 acres, Lot 4-38, SW¼ NW¼, Sec. 3, SW¼ NE¼, SE¼ NE¼, Sec. 4, Lot 1-40 acres, Lot 2-40 acres, Lot 3-40 acres, Lot 4-40 acres & SW¼ NW¼-22 acres, Sec. 4, all in T. 10 N., R. 4 W., SW¼ SW¼-22 acres, SE¼ SW¼-38 acres, SW¼ SE¼-20 acres, all in Sec. 33, T. 11 N., R. 4 W., B. M.

Witness my hand this 7th day of May, A. D. 19 35.

Commissioner of Reclamation.

By

Assistant.

WEISER IRRIGATION DISTRICT

ORGANIZED 1903

28 WEST IDAHO STREET

WEISER, IDAHO

July 3, 1974

Mr. Clyde Smith
Route 2
Weiser, Idaho 83672

Dear Mr. Smith:

The Weiser Irrigation District has conducted an extensive investigation of all of the records and files bearing upon your carriage right in the Weiser Irrigation District canal.

In the course of the investigation, the District made an in-depth investigation of the amount of land owned by your predecessor in interest at the time the agreement between the Weiser Irrigation District and Ida M. Shoesmith and Polly A. Smith was executed. This document was executed on November 22, 1932, and was filed on July 7, 1933. In the course of this investigation, the District also investigated the water right to each of the parcels of land in question.

The District's investigation disclosed that your predecessor in interest had considerably less land under irrigation on November 22, 1932, than is now being irrigated. Inasmuch as the result of this investigation affected three present land ownerships, it is only fair to set forth the amount of land then owned by your predecessor in interest, and also the amount of land owned by the predecessors in interest of each of the other affected parties, as well as the additional land over and above that which was then owned which each of you has since put under irrigation. The breakdown is as follows:

5/8 min in

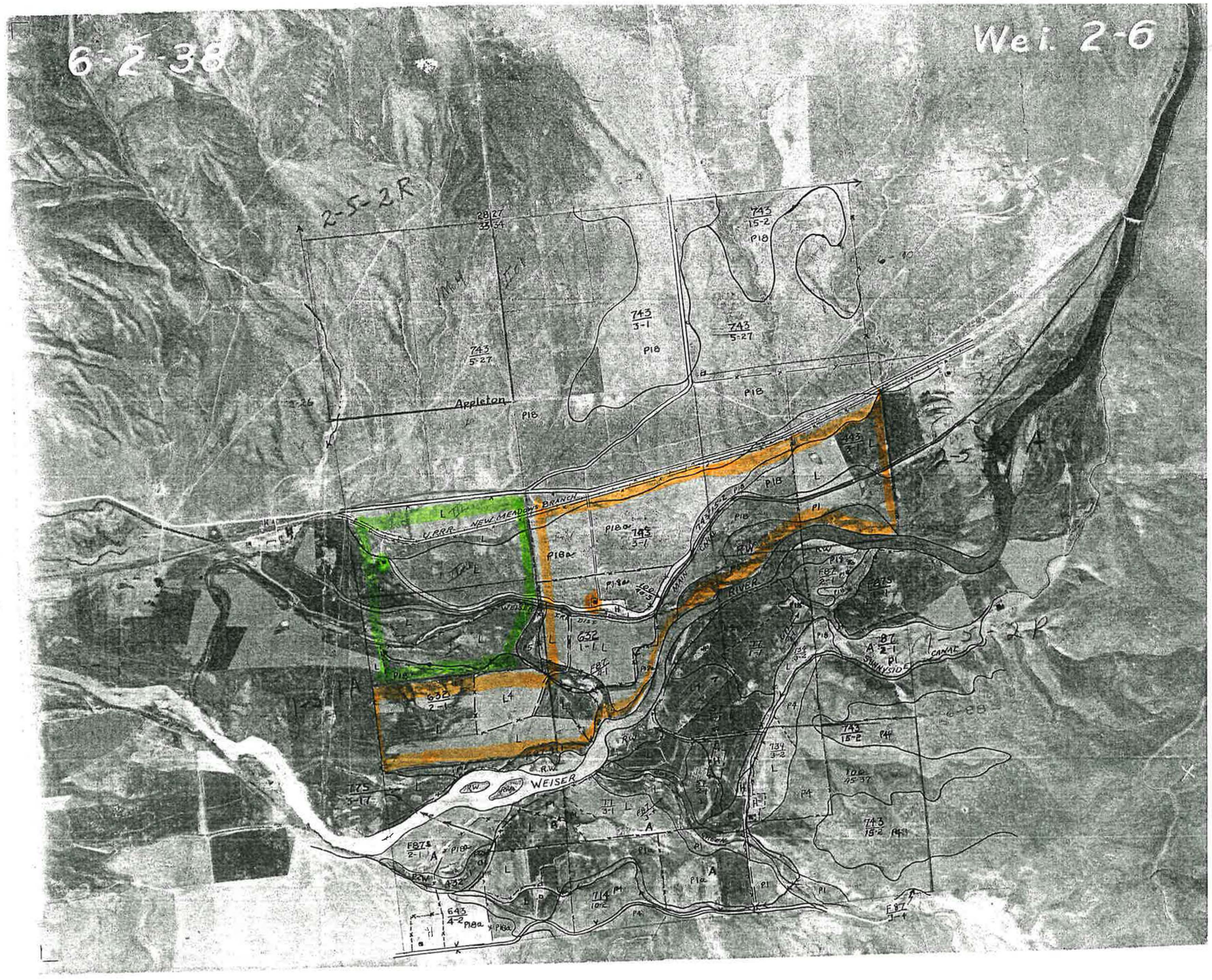
Names	Lands Owned 11/22/32	Additional Acreage Irrigated 1973
Henry Green	160 Acres	78 ACRES @ 0 + M.
Claude Smith	80 Acres	[redacted]
Clyde Smith	80 Acres	37.7 Acres

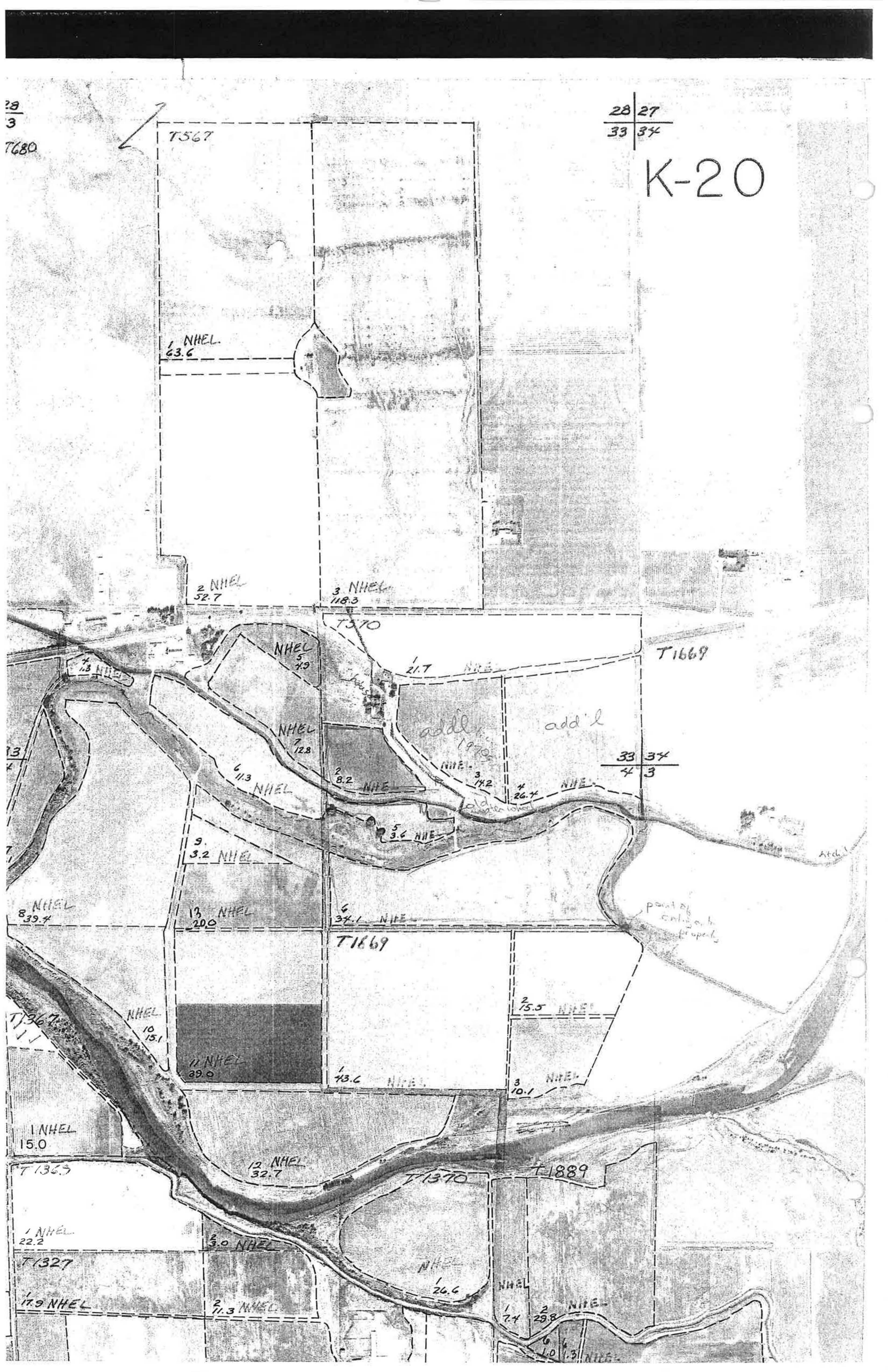
Mrs. Irvin = agmt w/ clyde 40

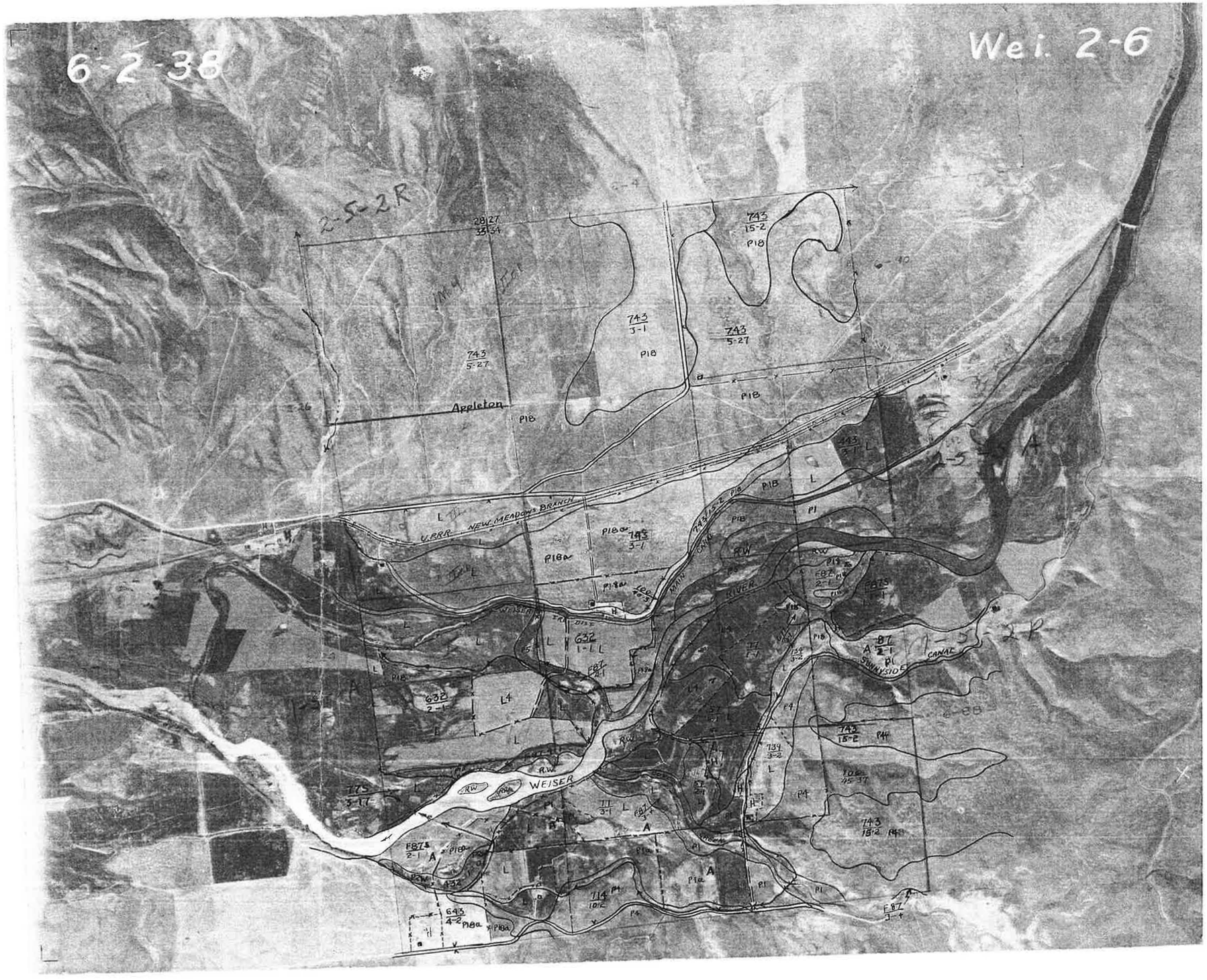
The District recognizes the privilege given under the Agreement of November 22, 1932. The District, however, does recognize its obligation under the law as well as its obligation to other patrons to collect the normal operation and maintenance charge for the carriage of additional water to irrigate the lands that have been developed and brought under irrigation since November 22, 1932, at the same rate that it charges the rest of its patrons.

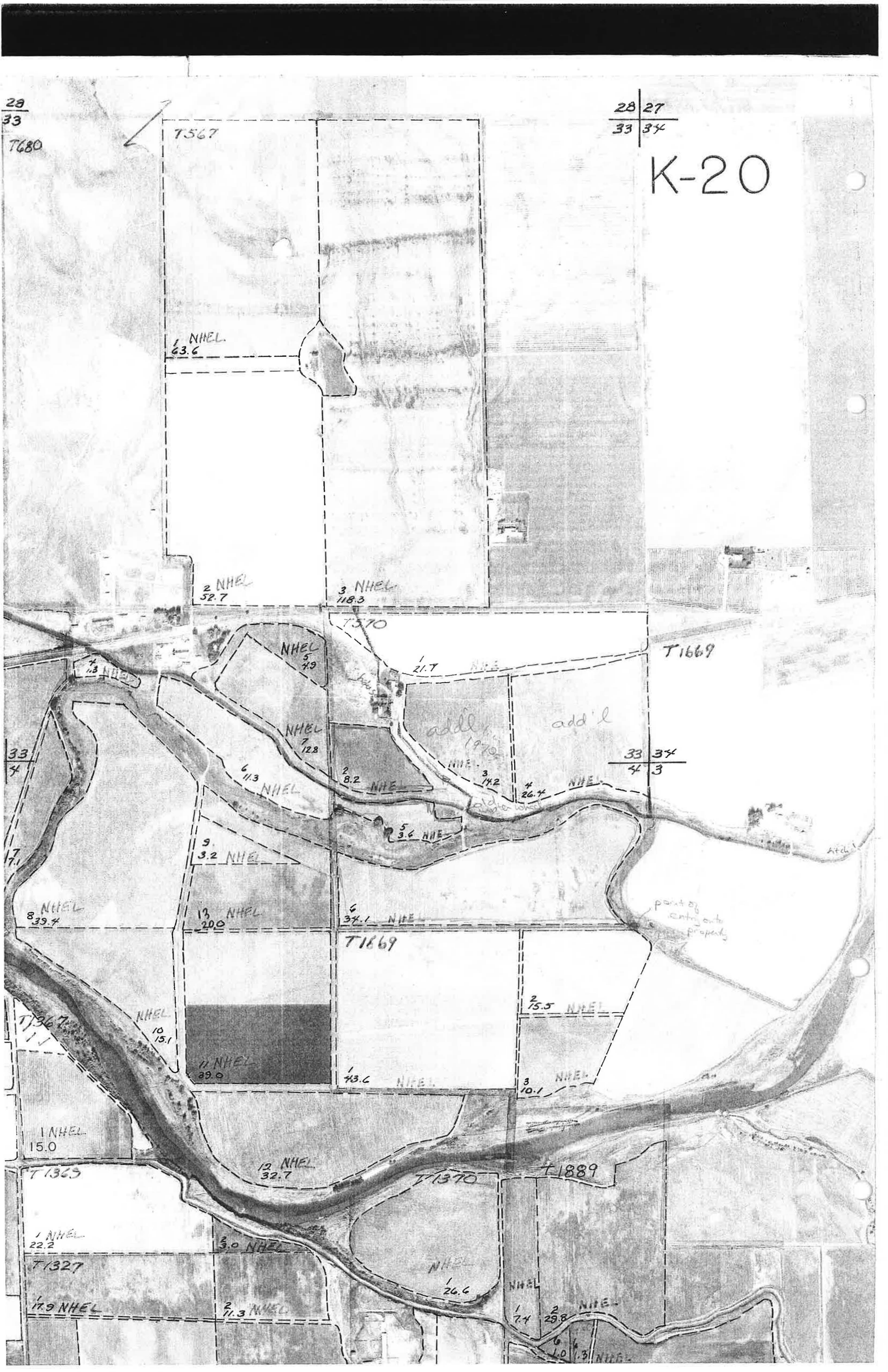
Smith
Pollard






28 | 27
33 | 34
K-20
T567
1 NHEL 63.6
2 NHEL 52.7
3 NHEL 118.3
T370
T1669
NHEL 5 4.9
1 21.7 NHE
NHEL 7 12.8
2 8.2 NHE
6 11.3 NHEL
add'l
add'l
NHEL.
3 14.2
4 26.4 NHE
33 | 34
4 | 3
5 3.6 NHE
9. 3.2 NHEL
8 NHEL 39.4
13 NHEL 20.0
6 34.1 NHE
T1669
T1367
NHEL 10 13.1
11 NHEL 39.0
1 43.6 NHEL
2 15.5 NHEL
3 10.1 NHEL
1 NHEL 15.0
T1363
12 NHEL 32.7
T1370
T1889
1 NHEL 22.2
T1327
3.0 NHEL
1 17.9 NHEL
2 11.3 NHEL
NHEL 1 26.6
NHEL 1 7.4
2 29.8 NHE
6 1.0 6 1.3 NHE
Atch 1


6-2-38
Wei. 2-6
2-5-2R
Appleton
U.R.R.
NEW MEADOWS BRANCH
MAIN
RIVER
WEISER
CANAL
SUNNYSIDE


28
33
T680
T567
28 27
33 34
K-20
1 NHEL 63.6
2 NHEL 52.7
3 NHEL 118.3
T570
T1669
NHEL 5 4.9
1 21.7 NHE
add'l
add'l
33 34
4 3
NHEL 7 12.8
6 11.3 NHEL
2 8.2 NHE
3 14.2
4 26.4 NHE
5 3.6 NHE
9 3.2 NHEL
Add'l
NHEL 8 39.4
13 NHEL 20.0
6 34.1 NHE
T1669
part of entry onto property
T1367
NHEL 10 15.1
11 NHEL 89.0
1 43.6 NHEL
2 15.5 NHEL
3 10.1 NHEL
1 NHEL 15.0
T1363
12 NHEL 32.7
T1370
T1889
1 NHEL 22.2
T1327
3.0 NHEL
NHEL 1 26.6
NHEL
1 7.4
2 29.8 NHE
1.0
1.3 NHEL
1 17.9 NHEL
2 11.3 NHEL

