

04/12/2006

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

RIGHT NUMBER: 67-14445

NAME AND ADDRESS: EDWARD L POLLARD SR
2117 WEISER RIVER RD
WEISER ID 83672

SOURCE: WEISER RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.340 CFS

PRIORITY DATE: 08/16/1933

POINT OF DIVERSION:

T11N R04W S35 SWNE 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	1.340 CFS

PLACE OF USE: IRRIGATION Within WASHINGTON County

T10N R04W S04 Lot 1 NENE	7.00	T10N R04W S04 Lot 2 NWNE	1.00
T11N R04W S33 SWSE	24.00	T11N R04W S33 SESE	35.00

67 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



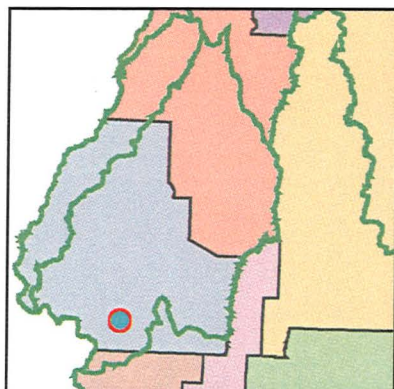
Idaho Department of Water Resources

Adjudication Claim:

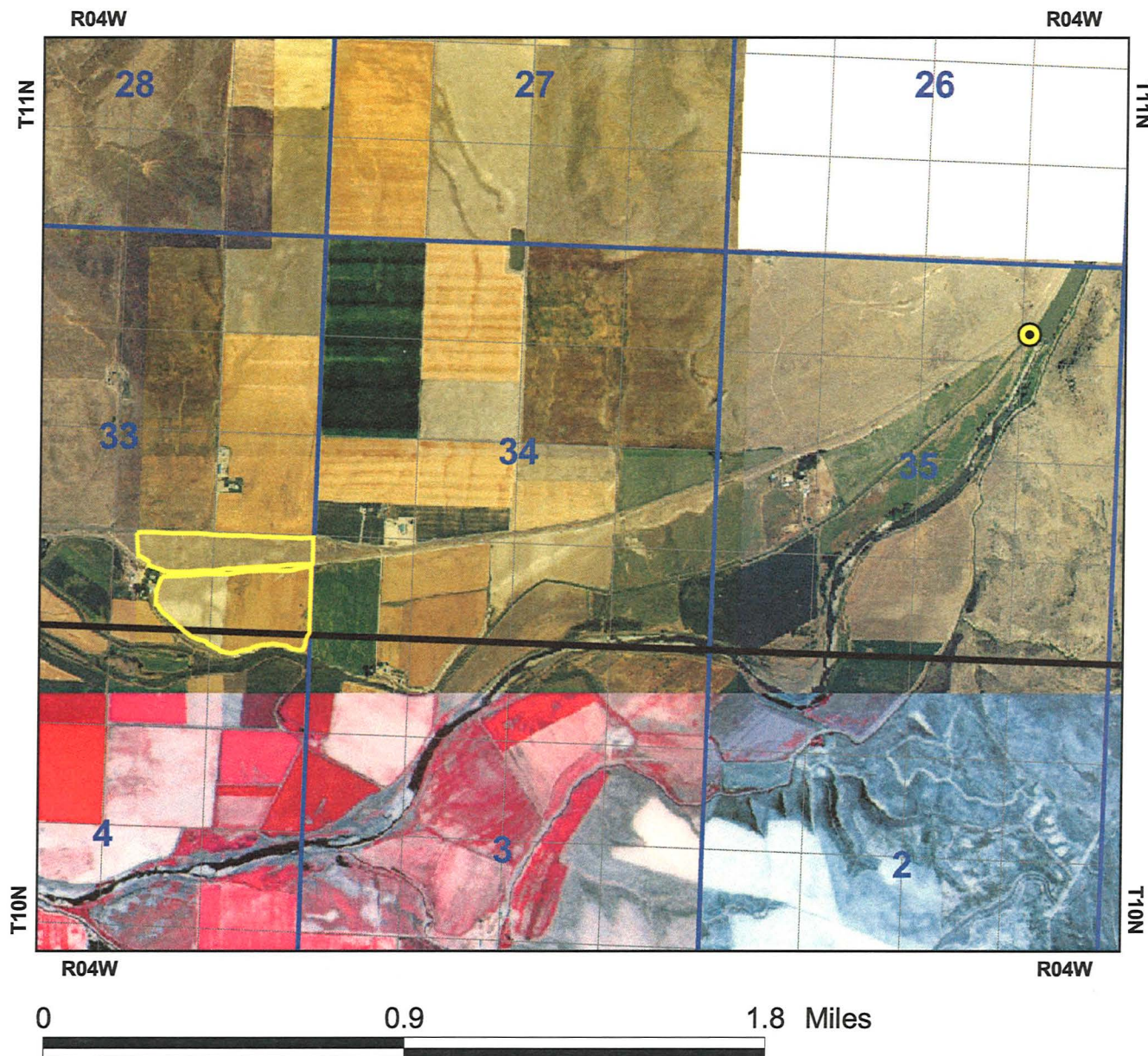
67-14445

Legend

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



Washington County
IDWR Basin 67



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

67-14445



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14445 V1

WATER RIGHT NUMBER: 67-14445 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DAN C SMITH 2061 WEISER RIVER RD WEISER, ID 83672 (208)549-0507
Original Owner	CLYDE SMITH 2061 WEISER RIVER RD WEISER, ID 83672 (208)549-0507
Current Owner	EDWARD L POLLARD SR 2117 WEISER RIVER RD WEISER, ID 83672 (208)549-2944

Priority Date: 08/16/1933

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
WEISER RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	1.340 CFS	
	<u>Total Diversion:</u>	1.340 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	7.0	1.0															8.0
			L 1	L 2															
11N	04W	33															24.0	35.0	59.0

Total Acres: 67

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.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-14445 V1

Remarks:Comments:

1. mvanbussum 3/20/2006 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 3/20/2006 License

Comment: This claim, along with 67-14445, is based on license 67-7165, which was not claimed in the SRBA.

3. mvanbussum 3/20/2006 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 from the first field exam, we calculated diversion capability to be at least 1.4 cfs.

4. mvanbussum 4/12/2006 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

5. mvanbussum 4/12/2006 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 4/12/2006 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.

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:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	4/12/2006 3:03:13 PM	mvanbussum			Active
Priority Date	4/12/2006 3:04:54 PM	mvanbussum			Active
POD	4/12/2006 3:05:19 PM	mvanbussum			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14445 V1

Source	4/12/2006 3:08:41 PM	mvanbussum	Active
POU	4/12/2006 3:09:09 PM	mvanbussum	Active
Use	4/12/2006 3:11:55 PM	mvanbussum	Active
Season	4/12/2006 3:12:14 PM	mvanbussum	Active
Quantity	4/12/2006 3:22:56 PM	mvanbussum	Active
Summary		04/12/2006 mvanbussum	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	4/12/2006 3:03:13 PM	mvanbussum	(No) 1. Do you want to schedule an appointment? Comment for 1: Field exam conducted 3-20-06.
Source	4/12/2006 3:08:42 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. Imagery supports field exam.
POU	4/12/2006 3:09:09 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14445 V1

Quantity	4/12/2006 3:22:56 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 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.
Summary	4/12/2006 3:27:45 PM	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?
POU	4/12/2006 3:10:06 PM	mvanbussum	Updated shape for Active POU
Use	4/12/2006 3:11:55 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 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 3-20-2006. Imagery supports field exam conclusions.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14445 V1

Season	4/12/2006 3:12:14 PM	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 administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
General	4/12/2006 3:04:54 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 for water from the Galloway Ditch.
POD	4/12/2006 3:05:20 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 3:06:15 PM	mvanbussum	Updated shape
POU	4/12/2006 3:10:23 PM	mvanbussum	Updated PLS for Active POU

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 67-14445
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)

EDWARD L POLLARD SR
2117 WEISER RIVER RD
WEISER ID USA 83672

Phone: (208) 549-2944

2. Date of Priority: 06/01/1923

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	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	1.34	

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

8. Total consumptive use:

SCANNED
APR 16 2004

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	7
			NW	NE		IRRIGATION	1
						Section Acres	8
11N	04W	33	SW	SE		IRRIGATION	24
			SE	SE		IRRIGATION	35
						Section Acres	59
						Total Acres	67

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 23 2004

WATER RESOURCES
WESTERN REGION

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
2041 Weiser Riv. Rd Weiser 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 <u>67-4039</u>		
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	<u>1.34 cfs</u>	<u>see attached</u>
Stock		<u>Plat Map A meets</u>
Domestic		<u>+ bounds</u>
Other		
Total	<u>67</u>	

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) Edward L. Pollard
(include title if applicable)

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 <u>DB/LG</u>	Date <u>3-23-04</u>	Fee <u>0</u>
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-4039

WATER RIGHT NUMBER: 67-4039

Owner Type

Current Owner

Name and Address

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

67-14445

Pollard

Priority Date: 06/01/1923

Basis: Statutory Claim

Status: Active

Source

WEISER RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Diversion Rate

2.600 CFS

Annual Volume

1.34 cfs

Total Diversion:

2.600 CFS

1.34 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
✓ 10N	04W	4	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	8
			30.0	30.0															60.0
			7	1															
✓ 11N	04W	33															35.0	35.0	70.0
																	24	59	

Total Acres: 130

67 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

WARRANTY DEED

MAR 23 2004

WATER RESOURCES
WESTERN REGION

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"

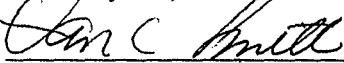
THE CONSIDERATION FOR THIS WARRANTY DEED IS GOOD AND VALUABLE CONSIDERATION
PAID BY AN ACCOMMODATOR PURSUANT TO AN IRC 1031 EXCHANGE.

Together with all water, water rights, ditches and ditch rights appurtenant thereto and in anywise belonging.
ALSO INCLUDING 140 SHARES OF CRANE CREEK WATER.

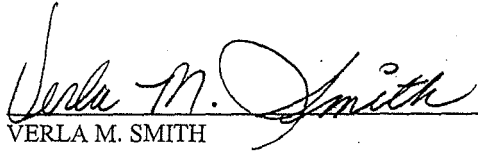
Subject to all valid outstanding reservations, easements, rights-of-way, restrictions, dedications, mineral leases,
mineral reservations and mineral conveyances of record.

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.

Dated: July , 2003



DAN C. SMITH

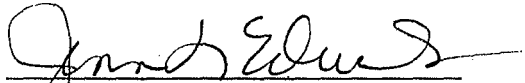


VERLA M. SMITH

STATE OF IDAHO, COUNTY OF WASHINGTON

On this 21st day of JULY, 2003, before me, a notary
public in and for the said State, Personally appeared
DAN C. SMITH AKA DANNY C. SMITH AKA DANNY CLYDE SMITH
AND VERLA M. SMITH

known to me to be the person/s whose names are subscribed
to the within instrument, and acknowledged to me that they
executed the same.



Notary Public

Residing at

Comm. Expires

Payette, IDAHO
3/27/09

EXHIBIT "A"

A parcel of land situated within the S1/2SE1/4 of Section 33, Township 11 North, Range 4 West, Boise, Meridian and within Government Lots 1 and 2 of Section 4, Township 10 North, Range 4 West, Boise Meridian, Washington 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 corner 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 centerline 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 Railroad 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 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., R.4W., 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.

Continue

Easement

EXHIBIT "A" CONTINUED

TOGETHER WITH AND SUBJECT TO a 30.00 foot wide ingress-egress and utility easement within said S1/2SE1/4, 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 said Weiser River Road.

ALSO TOGETHER WITH AND SUBJECT TO a 30.00 foot wide ingress-egress and utility easement within said S1/2SE1/4 and said Government Lots 1 and 2, and easement being 15.00 feet wide on each side of the following 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 corner 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 of former PIN Railroad tracks;

Thence S 47°19'31"E, parallel to and 50.00 feet northeasterly from the centerline of said former PIN Railroad 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;

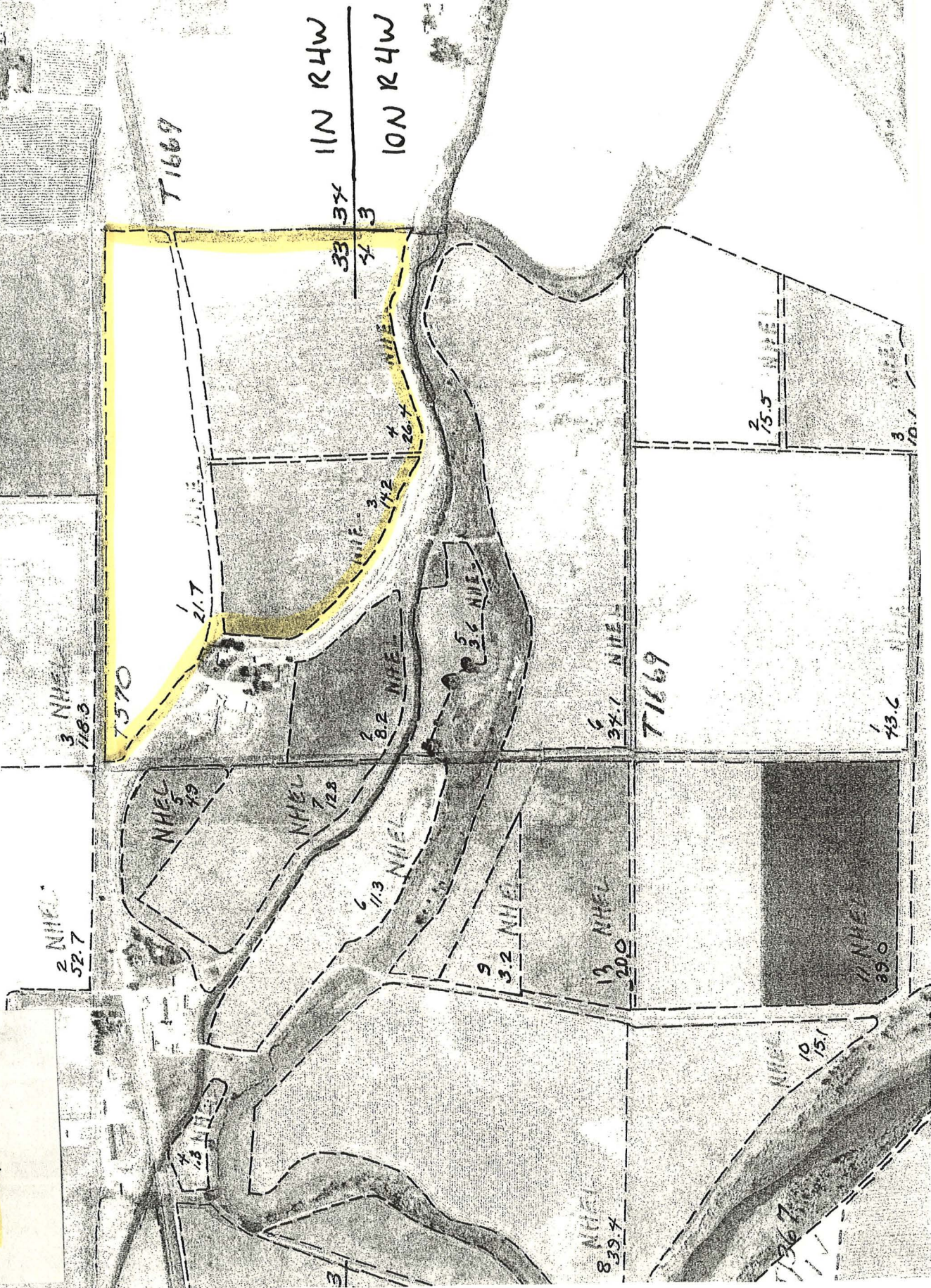
Thence S 61°25'25"E, a distance of 259.65 feet along the centerline of said easement;

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 country
map



2117 WEISER RIVER RD

WEISER
ID 83671

WEISER RIVER

CAT	RY	QUANTITY	UN
1	2000	62340	AC
19	2000	6110	AC

Category	Count
TOTALS	68450

68450

FKeys: F2=TX F3=Exit

F3=Exit

F8=CT F13=TM

F13=TM

F6=NM

F6=NM

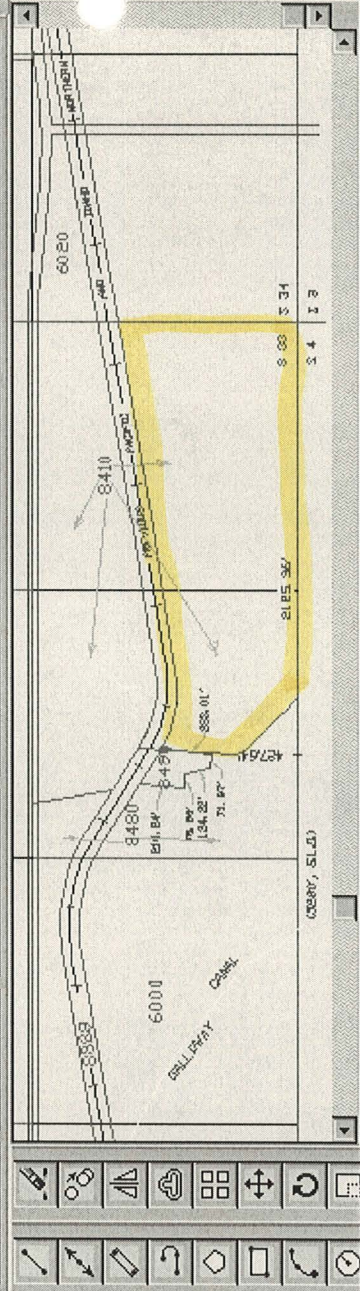
F20=Sr ch

F20=Sr ch

ENTER NEXT PARCEL NUMBER PP

22

II



Press pick button and drag to pan.

VALUE	HO MKRT	HO EXMP	CB MKRT	OTHER
100	100	100	100	100

OTHER

CB MKT

HO EXP

HO MKT

value

← 62.34 acres

B - INQUIRY

File Edit Transfer Appearance Communication Assist Window Help



2/24/04

PMO AutoCAD LT - [10n4wq2.dwg]

PARCEL: RP 10N04W040010 A

POLLARD, EDWARD L

2117 WEISER RIVER RD

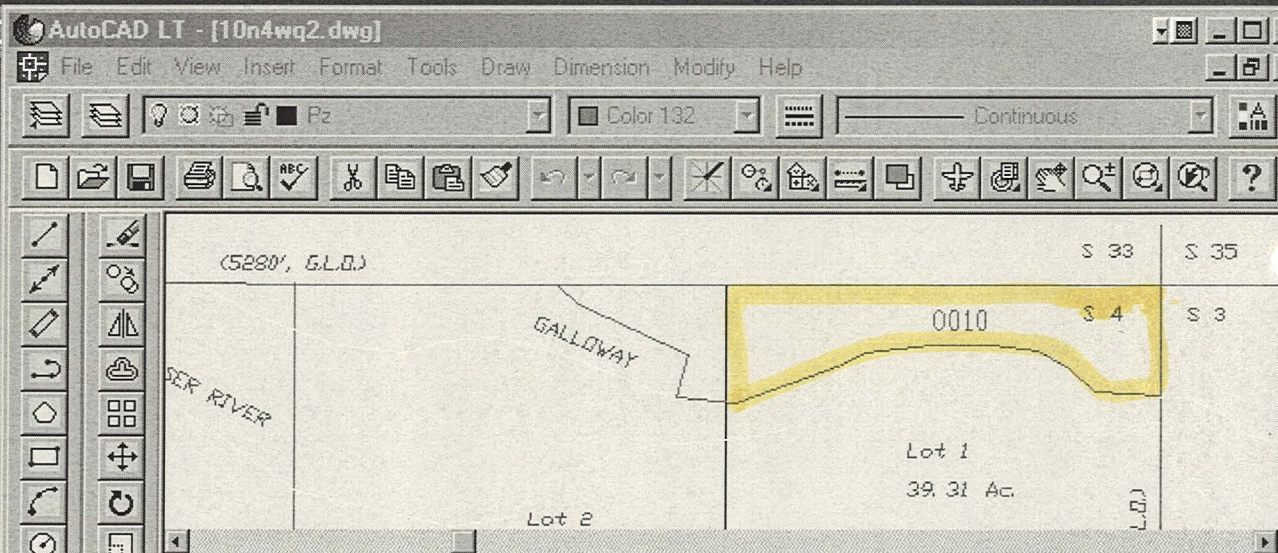
WEISER ID 8367

X for parcel comments

CAT	RY	QUANTITY	UN
1	1999	4720	AC
19	1999	5340	AC

TOTALS 10060

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=SrcH F22=EU



VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
← 4.72 acres				

ENTER NEXT PARCEL NUMBER RP A

67-14445

10N 4W & 11N 4W

-  Section Line
-  QQ Lines
-  Metes & bounds description for Pollard



0.06 0 0.06 0.12 Miles



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: 6010346
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

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

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): *Don Smith* Date: 8-25-89

Date: _____

State of Idaho)
County of ADA) SS.

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



35

35

34

30

30

3

9

9

10

4

3

T 10 N, R 4 W, B. M.
MICROFILMED
OCT 10 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

March 24, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

EDWARD L POLLARD SR
2117 WEISER RIVER RD
WEISER ID 83672

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

Renumbered Notice of Claim to a Water Right No. 67-14445

Dear Claimant(s):

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This Change of Ownership required a split of the original claim resulting in renumbering this claim, using a new water right number to represent each split. The new Notice of Claim to a Water Right number for your portion is referenced above and a copy is enclosed.

Your portion of this claim has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your claim, then no further action is required at this time.

Please note that the enclosed Notice of Claim to a Water Right is not a determination of your water right. This claim represents a split of the claim filed by a previous owner 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. Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,

Adjudication Section
Western Region

DB: db

Enclosure

REFUND REQUEST

TO: S. Sherman to Log In
FOR: D. Shaff/D. Allen
FROM: Western Region Date: 3/23/04
SUBJ: Receipt No. C072835 (Please attach ARQ2 Receipt copy immediately behind blue form)

RE: PayOR Pollard, Edward &/or Sally
Address 2117 Weiser River Rd
Weiser ID 83672

Claimant(s) if NOT Payor _____

Refund Amount \$ 100- Claim Location (Region) Claimant

Extension Filed? Y/N NA Copy Attached? Y/N NA

Late Fees Paid? Y/N NA Late Fee Receipt # _____

S.O. Verified Ext. by _____ on _____ D.B. Query by _____

Refund Generated By ☒ Agent () Claimant

Refund Category:
insufficient fees / claim incomplete / withdrawn / o-pmt

Date of Last Correspondence (copy attached) _____

<u>Claim No.</u>	<u>Use*</u>	<u>Fees Paid</u>	<u>Correct Fee</u>	<u>Rec't #</u>
<u>A67-4039</u>	<u>Irrigation</u>	<u>\$100-</u>	<u>0</u>	<u>C072835</u>
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
Total		\$ _____	\$ _____	

*Incomplete claims or insufficient fees for irrigation use will generally NOT be refunded. D.E. claim in AJSP1 at minimum.

Detailed Reason(s) for Refund Attached Y/N

Fee originally paid for ownership change on 67-7165. Should have been filed on A67-4039, in which no fee is required for that change.

Region AJ Spvsr. Approval  S.O. AJ Spvsr. Approval _____
Don Shaff Approval _____ Hold _____ To Fiscal _____

Logged _____
Data Base Modified? Y/N NA A &/or R Records By _____ on _____

Idaho Department of Water Resources Receipt

Receipt ID C072835

Payment Amount Date Received Region Status

Payment Type Check Number

Payer Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$100.00	OWNERSHIP CHANGES/SECURITY INTERESTS	0229	21	56140	1155


Signature Line (Dept. Representative)

** NOTE: THIS CHANGE OF OWNERSHIP & FEE WERE ORIGINALLY FILED ON 67-7165 IN ERROR. THE CHANGE OF OWNERSHIP SHOULD HAVE BEEN FILED ON 67-4039, WHICH DOES NOT REQUIRE A FEE. (STILL PENDING IN THE SRBA)

REFUND REQUEST SUBMITTED 3/23/04.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 4, 2004

EDWARD POLLARD
2117 WEISER RIVER RD
WEISER ID 83672

DAN C & VERLA M SMITH
2061 WEISER RIVER RD
WEISER ID 83672

RECEIVED

MAR 08 2004

WATER RESOURCES
WESTERN REGION

RE: Water Right License No. 67-07165

Dear Water Users:

The Department of Water Resources is reviewing the Notice of Change in Water Right Ownership form submitted to this office, by Mr. Pollard, to split the above referenced license. In review of this request, it is noticed that a claim has not been filed on this water right in the Snake River Basin Adjudication (SRBA). Please be advised that a claim is required to be submitted on all existing water rights where Proof of Beneficial use was submitted prior to November 19, 1987. In this instance, the proof of beneficial use of this water right was submitted on August 19, 1974. If no claim is submitted in the SRBA the water right may be lost for failure to claim it in the adjudication.

We have not processed the Notice of Change in Water Right Ownership form. We would like to advise you that you can still submit claims on your portions of the water right which would in turn place that portion of the water right in your name. The filing fee for a notice of claim to a water right is \$50.00, plus a dollar per acre claimed. The fee you submitted to split Water Right 67-07165, under Receipt No. C072835, could be used towards the filing fee of a claim if you choose to file one.

We will withhold processing the Notice of Change in Ownership for the next thirty days to give you an opportunity to file a claim on your water use. If you have any questions about this information, please feel free to contact me at 327-7944 or you can contact our Western Regional Office at 334-2190 for assistance in filing your claims.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:k

Cc: Western Region

Priority Date Data Entry Form

Claim Number 67-14445

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 1933Recommended Basis B. Use

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

one day after license for 67-2164Reviewer: MVBDate: 3-20-06

Point of Diversion and Source Data Entry Form

Claim Number 67-14445

Claimed Point of Diversion and Source

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

☐ 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 the Galloway
Two rediversions:
Name: PUMPS 2275089 1452339
OUTLET 2275371 1452055

Reviewer: MUBDate: 3-20-06

Place Of Use Data Entry Form

Claim Number 67-14445

Claimed Place Of Use

T10N R04W S04	NENE	7.00	T10N R04W S04	NWNE	1.00
T11N R04W S33	SWSE	24.00	T11N R04W S33	SESE	35.00

Total Acres 67



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 from FE

MVB

3-20-06

Purpose of Use Data Entry Form

Claim Number 67-14445

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:

imageryfield exam also shows acres irrigatedReviewer: MLBDate: 3-20-06

Period of Use and Quantity Data Entry Form

Claim Number 67-14445

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	03/15	11/15	1.34	
Overall Diversion Rate 1.34		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
	3/1	11/15		

Overall Diversion Rate _____ Overall Diversion Volume _____

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

recommend standard season of use

no volume needed

3 Pumps -

1) ~~SANFORD~~ Rainflow 3306 - 30hp

lift 20-25 ft.

2) Sterling N15425-02 30hp

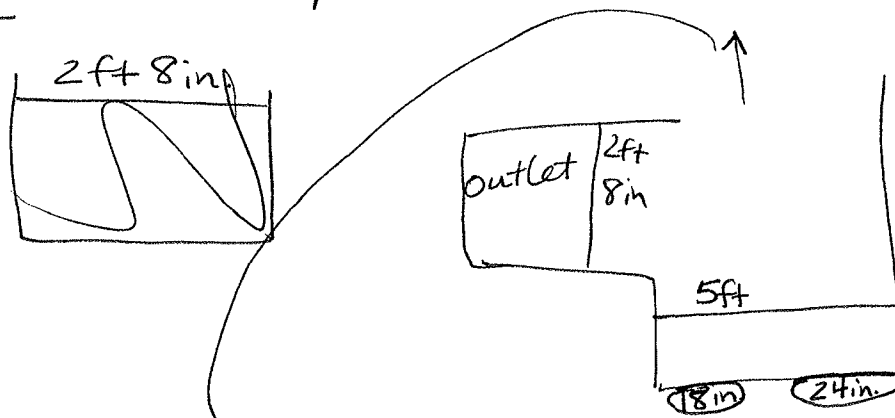
3) Cascade Pump 3197 7.5hp

Theoretical calculation: total capacity of pumps: 16.63 cfs
average of 3 pumps: 5.54 cfs

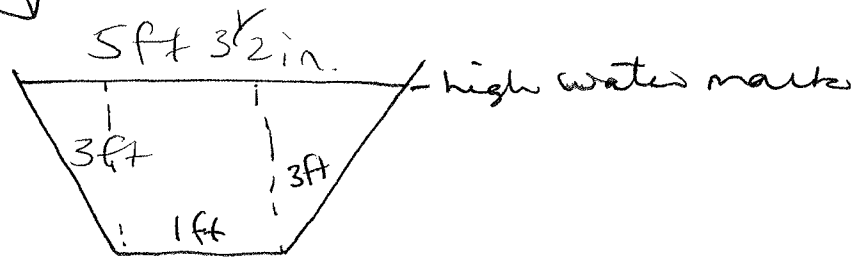
Reviewer: MUB

Date: 3-20-06

Outlet - name of GPS point
 feeds
 Dick
 Smith
 Pollard,
 Smith,



227537/
 1452055



Pumps - name of GPS 2275089
 11N4W 33 3 1452339

11N4W 33 1

1) Serial
 Rain Flow 3306
 GE 30hp

2) Sterling Motor 30hp N15425-02
 lift 20-25 feet

3) 7.5hp Cascade Pump
 Serial: 3197

Contacts Data Entry Form

Claim Number: 67-14445

Owner Type	Full Name	Address	City	State	Zip	Phone
Original Owner	DAN C SMITH	2061 WEISER RIVER RD	WEISER	ID	83672	(208)549-0507
Original Owner	CLYDE SMITH	2061 WEISER RIVER RD	WEISER	ID	83672	(208)549-0507
Current Owner	EDWARD L POLLARD SR	2117 WEISER RIVER RD	WEISER	ID	83672	(208)549-2944

Date of Field Exam: _____ Time: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

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

Reviewer: _____

Date: _____

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

	RAINFLOW	STERLING	CASCADE
P/D No.:			
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 average

The above calculates the formula =

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

Assumptions: %70 efficiency.
 No Friction

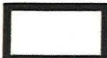
Examiners Notes:

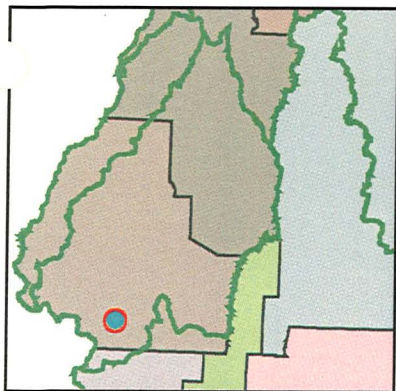


Adjudication Claim:

67-14445

Legend

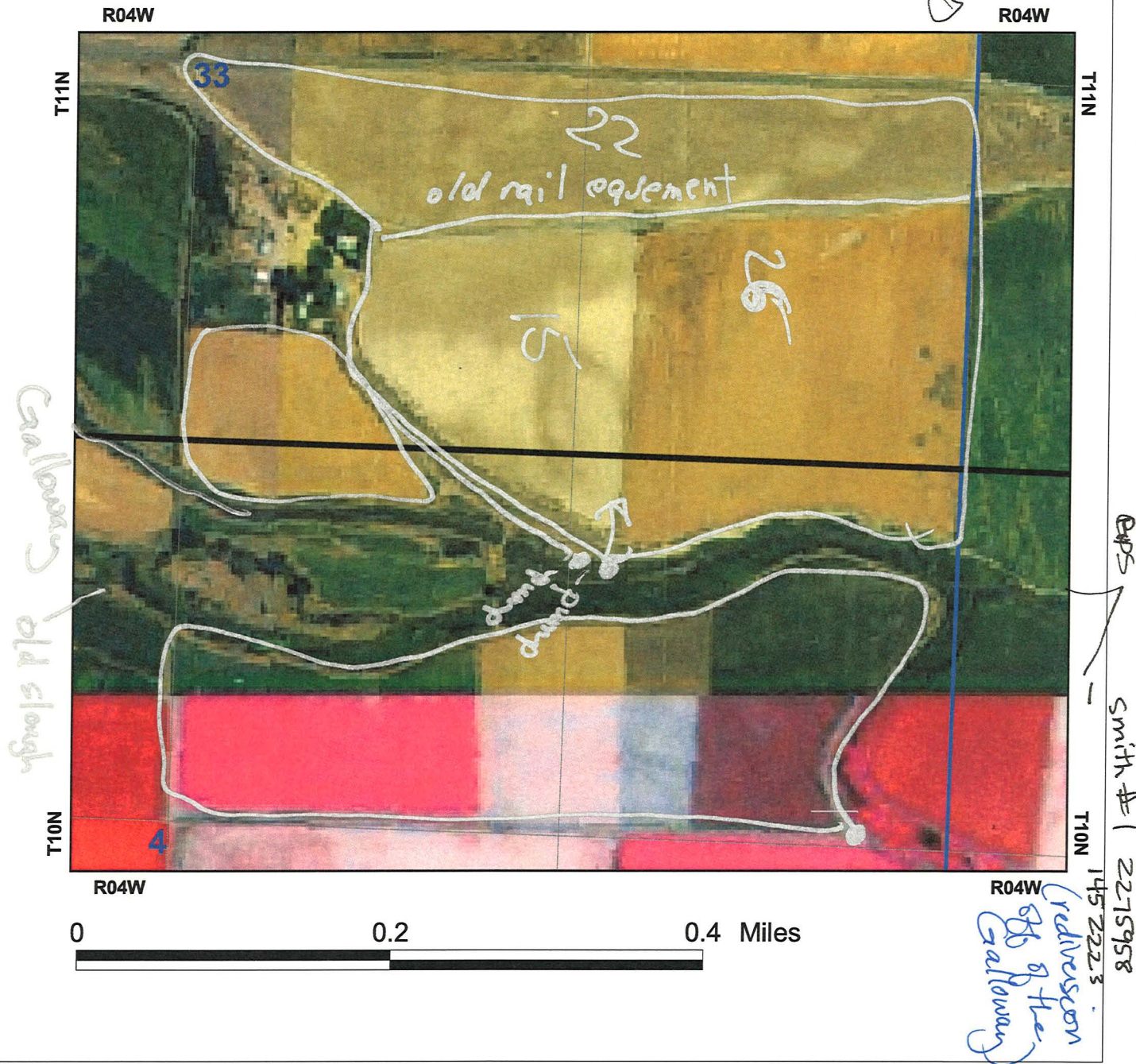
-  Townships
-  PLS Sections
-  Quarter Quarters



Washington County
IDWR Basin 67



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



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.

Split/Overlap Analysis - AJ Claim No.:

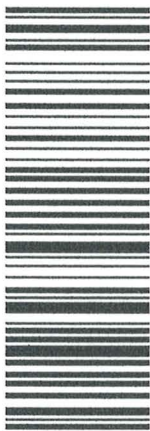
67-4039

[illegible]

ED POLLARD
2117 WEISER RIVER RD
WEISER ID 83672

RETURN RECEIPT
REQUESTED

CERTIFIED MAIL™



SRBA

7003 1010 0002 8435 9689

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

PO BOX 83720

BOISE ID 83707-9815

ATTN C. SAXTON
MONICA VAN BOSSUM



83720/0003

9/30/05

Attn: Idaho Dept. of Water Resources
Monica Van Bussum

RECEIVED
OCT 06 2005
DEPARTMENT OF
WATER RESOURCES

Re: Claim Nos. 67-14353 & 67-14445

Enclosed is material to support Claim No.
67-14353

The documents that Dan Smith presented
to support his claim 67-14444 should also
support my claim 67-14445 since they are
a split of the same original claim.

Thank You

Ed Pollard

Ph. 549-2944

FAX 549-2866



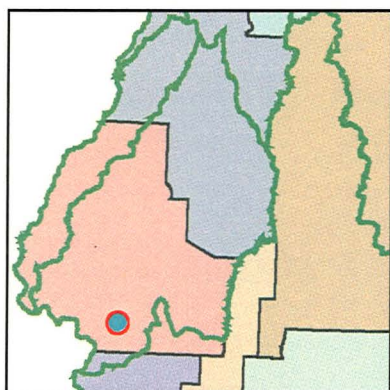
Idaho Department of Water Resources

Adjudication Claim Number: **67-14353**

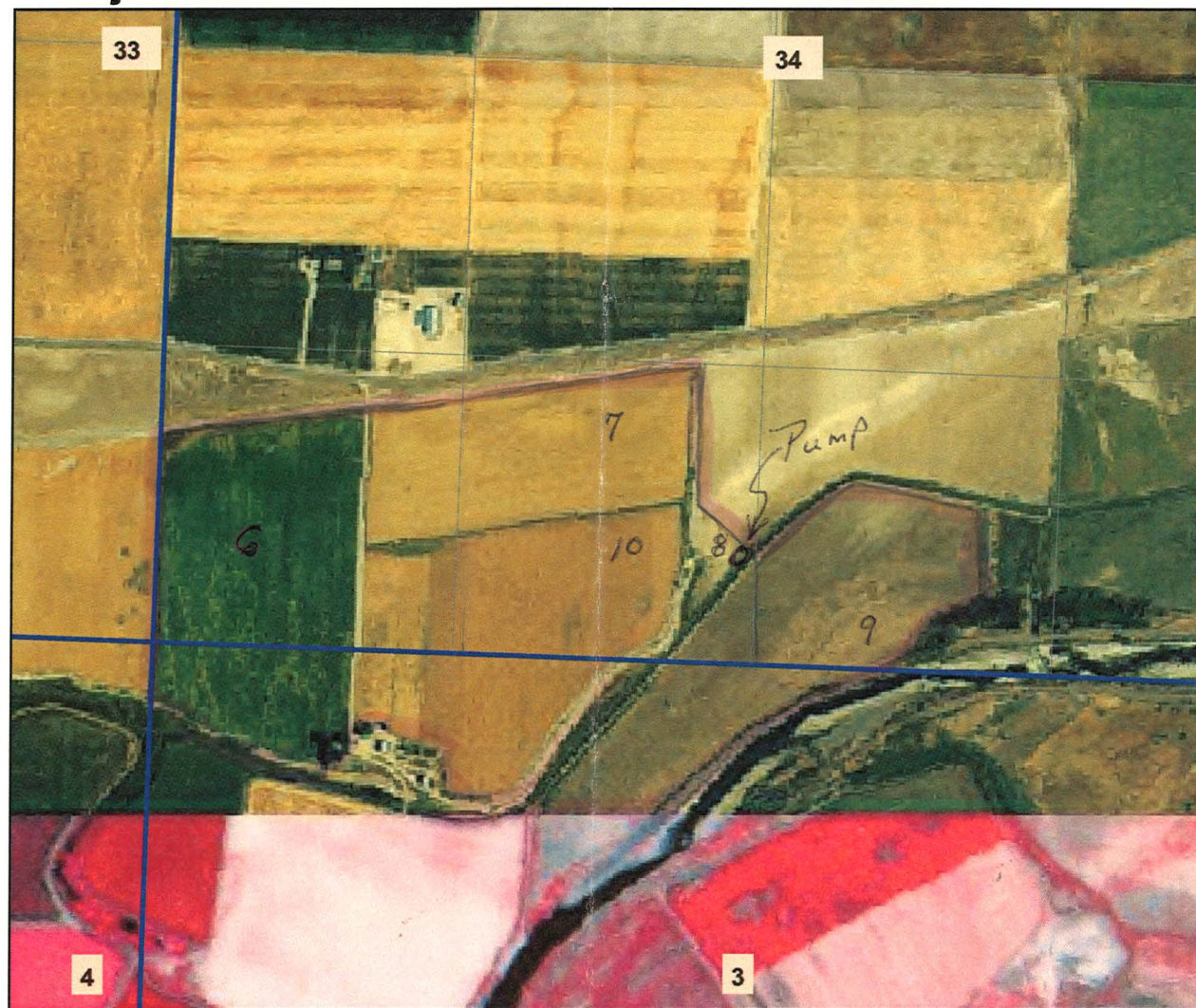
T11N R04W

Legend

- PLS Sections
- GCDBQuarter Quarters



Washington County
IDWR Basin 67



0 0.3 0.6 Miles

Prepared by M. Van Bussum
On Thursday, September 1, 2005
1987 Aerial Photography

Attn. Idaho Dept. of Water Resources

Re: Water Right Adjudication Claim 67-14353

We purchased the Shoesmith farm in Weiser in 1938. We owned and worked this farm until we sold it to Henry and Ann Green in 1978. ^AEd Pollard currently owns it.

We started irrigating the 30-acre field to the east, between the Galloway Canal and the Weiser River shortly after moving there, sometime between 1940-1942. We kept this field as irrigated pasture.

There was a delivery ditch that ran along this field and on down to our lower south fields. It is identified as Field 9 on the USDA Farm 2007 Map. It lies SE and SW in the Section 34 Township 11 N Range 4W and in the north west of Section 3 Township 10N Range 4 W.

Between 1947-1949, we installed a pump in the canal which we used to sprinkler irrigate our upper fields until we sold the place in 1973. These upper fields are approximately 79 acres between the Weiser River Road and the Galloway Canal. They are identified as Fields 6, 7, and 10 on the USDA Farm 1607 Map. They lie in the SW of Section 34 Township 11N Range 4W and the NW of Section 3 Township 10N Range 4W.

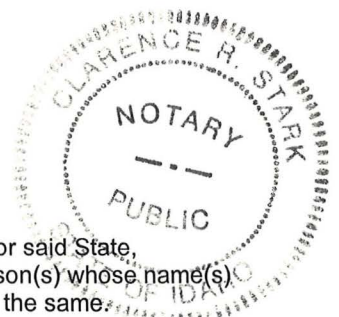
Alba Einspahr

Alba Einspahr

STATE OF IDAHO, County of Washington -ss:

On this 16 day of SEPT, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared ALBA EINSPAHR known to me to be the person(s) whose name(s) are/is subscribed to the foregoing instrument and acknowledged to me that she executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Clarence H. Stark
Notary Public for Idaho
Residing at: Weiser, Idaho
Commission expires: 9-7-2011



Attn. Idaho Dept. of Water Resources

Re: Water Right Adjudication Claim 67-14353

My parents purchased the Shoesmith farm in 1938. I was 5 years old at the time.

My parents started irrigating the approx. 30 acre field to the east, between the canal and the river shortly after that, between 1940 and 1942. They kept this in irrigated pasture for our milk cows until the farm was sold in 1978. This is field 9 on the USDA Farm 2007 map.

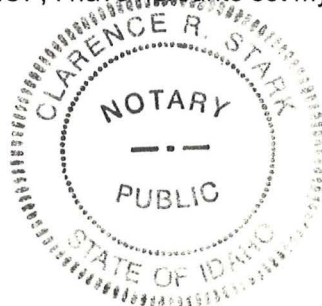
Between 1947 and 1949 my parents installed a pump in the canal and began sprinkler irrigating our upper fields. I helped my Father irrigate the fields. These are fields 6, 7, and 10 on the USDA Farm 1605 map. We irrigated these fields until the farm was sold.


Violet Mathews

STATE OF IDAHO)
 : ss
County of Washington)

On this 16 day of SEPT, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared VIOLET MATHEWS known to me to be the person(s) whose name(s) are/is subscribed to the foregoing instrument and acknowledged to me that she executed the same.

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




Notary Public for Idaho
Residing at: Weiser, Idaho
Commission expires: 9/7/2011



Washington Farm 2007
Tract 1624



Map Printed: Oct 20, 2004



**Map of Washington Farm 1605
Tract 1669**



Map Printed: Aug 27, 2004

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.