

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 37-4159
Date Received: 10/20/1989
Receipt No: S010244
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GEOFFREY C SMITH Phone: (208)788-2676
17926 HWY 20
BELLEVUE ID 83313

2. Date of Priority: 04/01/1955

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	18E	13	NE NE	BLAINE	

5. Description of diverting works:

ARTESIAN WELL AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.32	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01S	18E	13	SE	NE	IRRIGATION	16
					Section Acres	16
					Total Acres	16

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

WILLOW CR. WATER ALSO USED ON PROPERTY.
OWNERSHIP CHANGE MADE 1-4-95 BY TLB.

15. Basis of Claim: Statutory Claim



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 25, 2003

GEOFFREY SMITH
17926 HWY 20
BELLEVUE ID 83313

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim No. 37-2386B, 37-2552, 37-4159, 37-20629
Change of Address Notification

Dear Mr. Smith:

Thank you for notifying us of your change in address on the water right claim(s) referenced above. Our records have been updated accordingly.

If you have any questions, please feel free to contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

RECEIVED

JUL 18 2003

Department of Water Resources
Southern Region

CHANGE IN ADDRESS

☐ Water Right Number(s): 37-2386 B, 37-2552, 37-4151, 37-20629

☐ Old Mailing Address:

Box 73

BELLEVUE

☐ New Mailing Address:

17926 Hwy 20

BELLEVUE, ID 83313

☐ New Telephone Number:

(208) 788-2676 (Same)

☐ Signature of Claimant(s):

[Signature]

Date:

7/16/03

FOR IDWR USE ONLY
Initial Review and Data Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data Entry

Date: By:

7/25/03

[Signature]

ARBOR FARMS
17926 HWY. 20
BELLEVUE, ID 83313

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: **A37-04159**
Date Received: 10/20/1989
Receipt No: S010244
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: GEOFFERY C SMITH 208-788-2676
Address: PO BOX 732
BELLEVUE ID 83313

2. Date of Priority: APR 1, 1955

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	18E	13	NE	NE			BLAINE

5. Description of diverting works:
ARTESIAN WELL AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.320		

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

8. Total consumptive use is 40.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01S	18E	13	SE	NE		IRR	16.0

Section Acres 16.0

Total Acres 16.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

A37-02386A

14. Remarks:

WILLOW CR. WATER ALSO USED ON PROPERTY.

OWNERSHIP CHANGE MADE 1-4-95 BY TLB.

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: _____

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

Water Right Number - R37-04159

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SMITH

GEOFFERY C

1 - PO BOX 732
2 -
3 -
City- BELLEVUE
Phone - 208-788-2676

State- ID Zip- 83313

*** O - ORIGINAL OWNER ***
WALKER

DEE A.

1 - 17859 US HWY 20
2 -
3 -
City- BELLEVUE
Phone - 208-788-9457
1 - 17859 US HWY 20

State- ID Zip- 83313

WALKER

C. JOAN

2 -
3 -
City- BELLEVUE
Phone - 208-788-9457

State- ID Zip- 83313

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/01/1955 17 SOUTHERN S - STATUTORY CLAIM

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
01S 18E 13 NE NE (13) BLAINE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 0.320

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.320 40.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
01S 18E 13 SE NE 16.0 01 IRRIGATION (13) BLAINE

Total Acres: 16.0

+ - - Diversion Means - ARTESIAN WELL AND DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A37-02386A

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NOV 27 1996

Prefix Translation: RESEARCH

	Remarks
	WILLOW CR. WATER ALSO USED ON PROPERTY.
	OWNERSHIP CHANGE MADE 1-4-95 BY TLB.

+-----Old Water Right Numbers-----+

No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - Decree Plaintiff + - - - Decree Defendant + - Decree Date - +
00/00/0000

+	-	Comments	+
Date: 01/04/1995	User Id: TBACKLUN	Subject: OWNERSHIP CHANGE	
OWNERSHIP CHANGE RECEIVED 12-16-92. WALKER-FORMER OWNER,		SMITH-NEW OWNER. WARRANTY DEED INCLUDED. OWNERSHIP	
CHANGED 1-5-95.\			

+ - - Audit Fields - - +
01/04/95 TBACKLUN

+ - - - - - + - - - - - - - - - - - - - - - Adjudication Rights Dates and Flags Area - - - - - - - - - - - - - - - +

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 00/00/0000 | Old Judicial District | - |
| Claim Received Date | - 10/20/1989 | Last Amended Date | - 00/00/0000 | Temporary Right | - T |
| | | Receipt Number | - X777777 | Water District | - |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - AND/OR | Presumption Flag | - |
| | | | | Notice of Error Flag | - |

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

06-JAN-94 09:25

GEOFFERY SMITH
PO BOX 732
BELLEVUE, ID 83313

RE: SRBA CLAIMS: A37-04159
WALKER

DEAR CLAIMANT(S):

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIM, WE HAVE CHANGED THE DEPARTMENT'S RECORD(S) AS YOU HAVE REQUESTED. **THIS COPY IS FOR YOUR RECORDS.** PLEASE REVIEW THE RECORDS(S) FOR ACCURACY.

YOU HAVE ANY MORE QUESTIONS, PLEASE FEEL FREE TO CONTACT ME AT THIS OFFICE.

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/TLB
ENCLOSURES

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NOV 27 1996

RECEIVED

DEC 16 1992

Department of Water Resources
Southern Region Office

NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 8-6-1990

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
 Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
 Lot _____, Block _____, Subdivision/Townsite _____
 If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
 Assigned by IDWR: A37-04159
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Dee A. & Joan Walker
17859 US HWY 20
Bellevue, ID 83313
- ☐ New Owner/Claimant (Purchaser): Geoffrey C. Smith
- ☐ New Mailing Address: P. O. Box 732
Bellevue, ID 83313
- ☐ New Telephone Number: () 788 - 2676
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) Geoffrey C. Smith Date 12/16/92
 _____ Date _____
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
 _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
 Initial Review and Data-Entry
 Date: _____ By: _____
 Further Action Needed:
 Further Action Taken
 Date: _____ By: _____
 Final Review and Data-Entry
 Date: _____ By: _____
 Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
 Copies to Former Owner and New Owner

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BCT #19903021

WARRANTY DEED

For Value Received DEVON WALKER AND JOAN WALKER, HUSBAND AND WIFE,

the Grantor hereby grants, bargains, sells, conveys and warrants unto HAROLD S. WHEELER, AN UNMARRIED MAN (As to parcel 1) AND GEOFFREY C. SMITH, AN UNMARRIED MAN (As to parcel 2),

the Grantee whose current address is: P.O. BOX 2026, KETCHUM, ID 83340

the following described premises, to-wit:

PARCEL 1:

Township 1 South, Range 18E., B.M., Blaine County, Idaho

Section 13: NE1/4NE1/4

PARCEL 2:

Township 1 South, Range 18E., B.M., Blaine County, Idaho

Section 13: SE1/4NE1/4

Including any and all Water Rights appurtenant to said property, specifically all of State of Idaho Department of Water Right License 37-2386 and 37-4159.

Surveyed

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

Dated: August 06, 1990

[Signature]
DEVON WALKER

[Signature]
JOAN WALKER

X STATE OF ~~XXXX~~ ^{ID} COUNTY OF ^{BLAINE}
On this ^{8th} day of August, 1990,
before me, a Notary Public in and for said State, personally appeared

DEVON WALKER ~~AND JOAN WALKER~~

Identified to me on the basis of satisfactory evidence or known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.

[Signature]
Notary Public
Residing at ^{HARLEY, ID}
Comm. Expires ⁷⁻⁸⁻⁹¹

STATE OF IDAHO, COUNTY OF
I HEREBY CERTIFY That this instrument was filed for record at the request of

at _____ minutes past _____ o'clock M.,
this _____ day of _____
19 _____, in my office and duly recorded in Book _____
of Mortgages at page _____

Ex-Officio Recorder.

By _____ Deputy

Pcca. 3
Mail to:

MICROFILMED

NOV 27 1996

8

QUITCLAIM DEED

THIS INDENTURE, Made this 16th day of Septemberin the year of our Lord one thousand nine hundred and ninety two
HAROLD S. WHEELER, an unmarried man,

between

GREGORY C. SMITH, A MARRIED MAN,

as Grantor and

as Grantee

whose current address is P.O. BOX 2026, KETCHUM, ID 83340

WITNESSETH That said Grantor for and in consideration in lawful money of the United States of America, in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these premises remise, release and forever QUITCLAIM, unto the said Grantee and to its heirs and assigns all that certain lot, piece or parcel of land, situate, lying and being in, County of Blaine, State of Idaho, bounded and particularly described as follows, to-wit:

Township 1 South, Range 18 E., B.M., Blaine County, Idaho:

Section 13: NE1/4 NE1/4

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the Grantee and to its heirs and assigns forever.

IN WITNESS WHEREOF, The said Grantor has hereunto set its hand and seal the day and year first above written.

Harold S. Wheeler
HAROLD S. WHEELER

State of Idaho

ss.

County of Blaine

On this 21st day of September, 1992, before me, the undersigned, a Notary Public, in and for said State, personally appeared HAROLD S. WHEELER

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

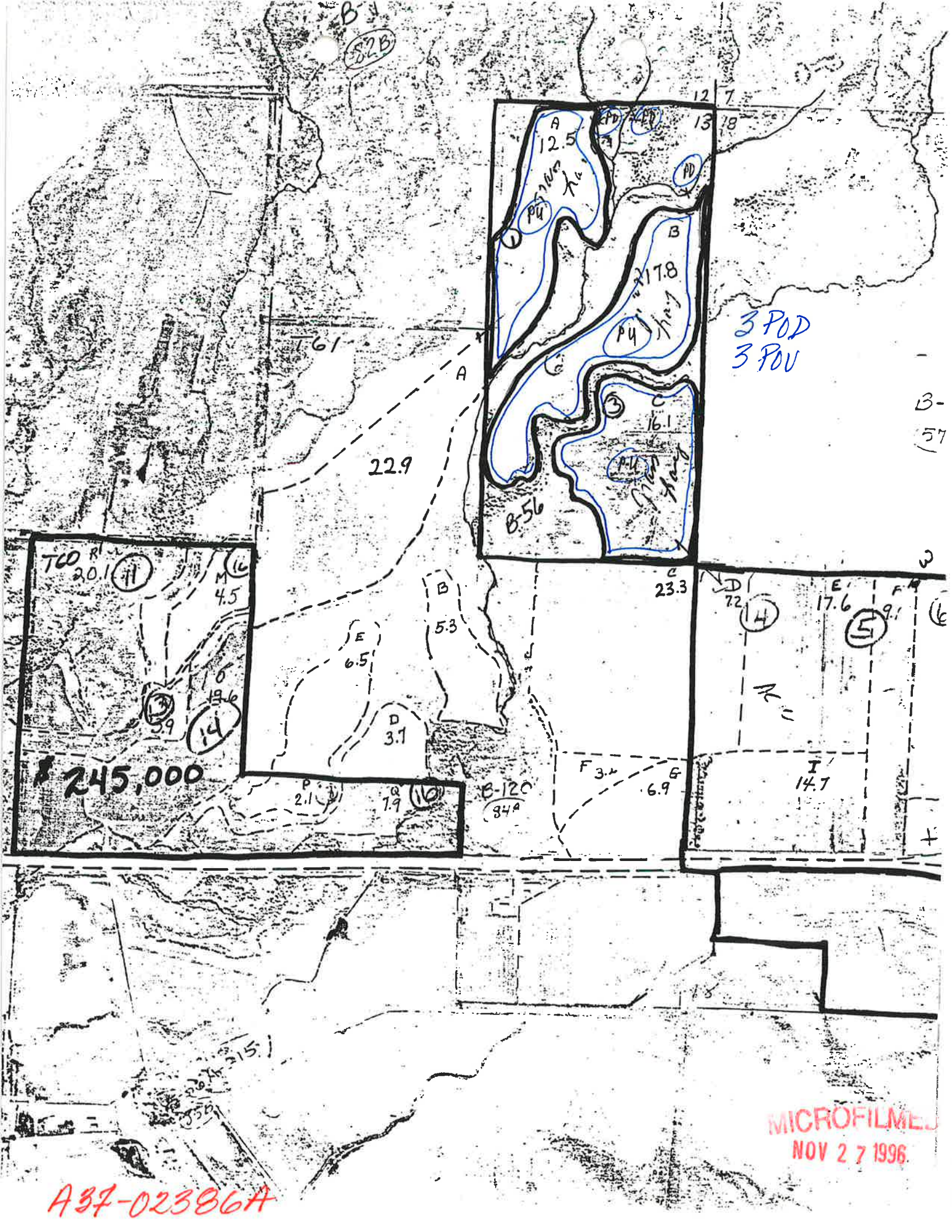
WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY COMMISSION EXPIRES SEP. 23, 1993
EUGENE, OREGON (SEAL)

Robin P. Ferguson
Notary Public
Residing at:
Commission Expires:

Robin P. Ferguson
Post Office Box 2691
Aspen, Colorado 81612

MICROFILMED
NOV 27 1996



3 POD
3 POV

B-
(57)

TCO R
20.1
245,000

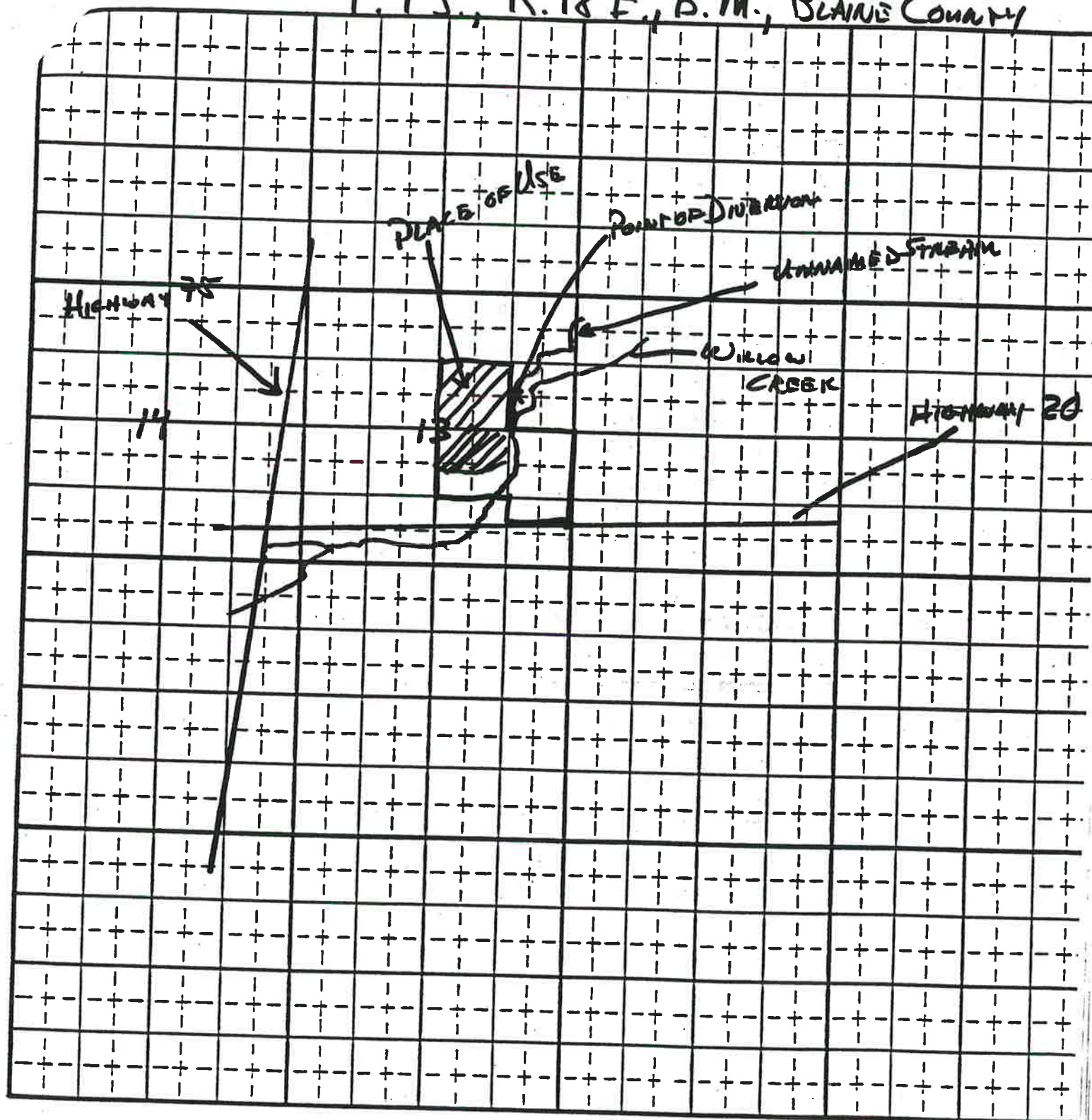
MICROFILMED
NOV 27 1996

A37-02386A

show clearly point of diversion, place of use, section number, township, and range number.

inches equals 1 mile

T. 1 S., R. 18 E., B. M., BLAINE COUNTY



Last Name

PEARSON

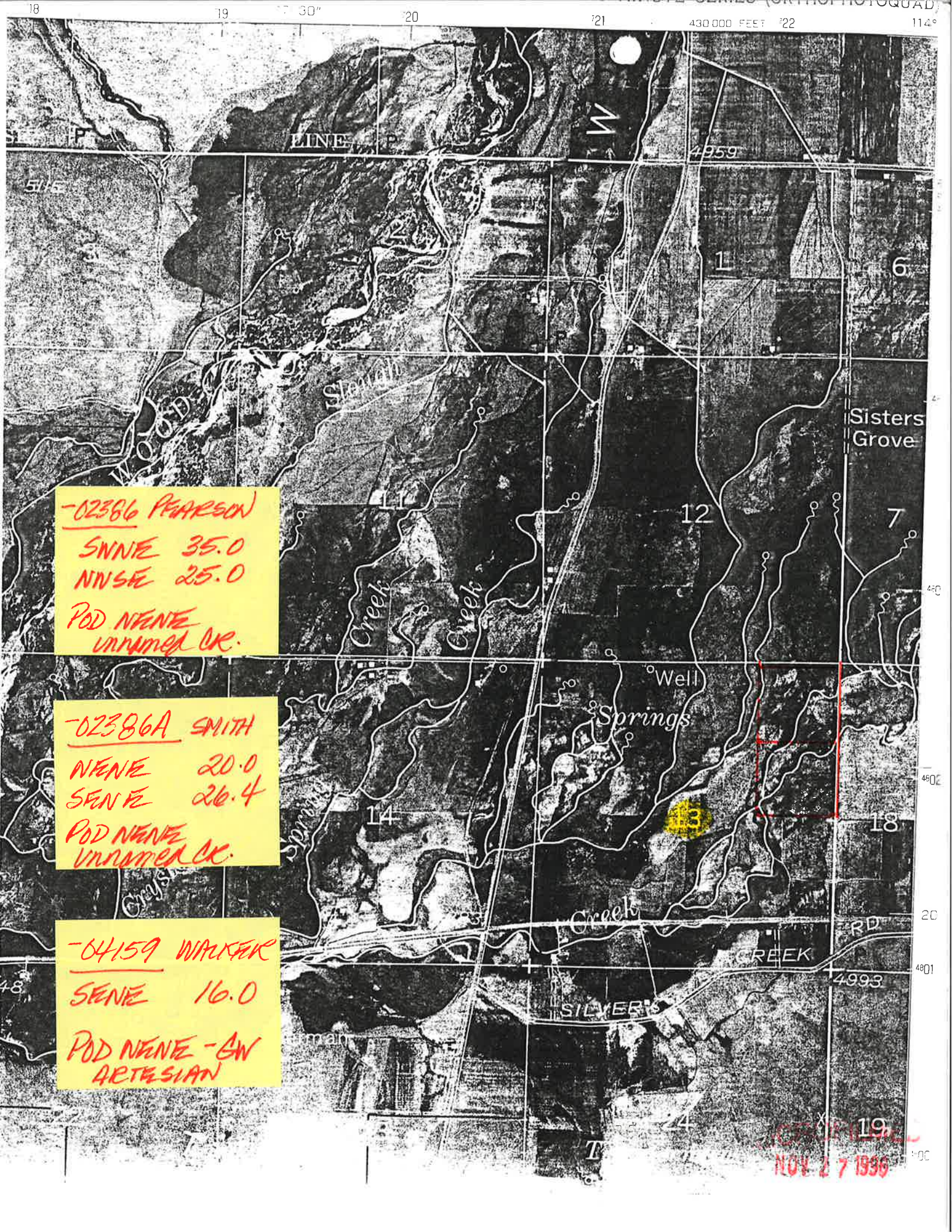
Ident No.

Copies: White-State, Yellow-Claimant

MICROFILMED

NOV 27 1996

A37-02386



-02386 PEARSON

SNNE 35.0

NNSE 25.0

POD NENE
UNNAMED CR.

-02386A SMITH

NENE 20.0

SENE 26.4

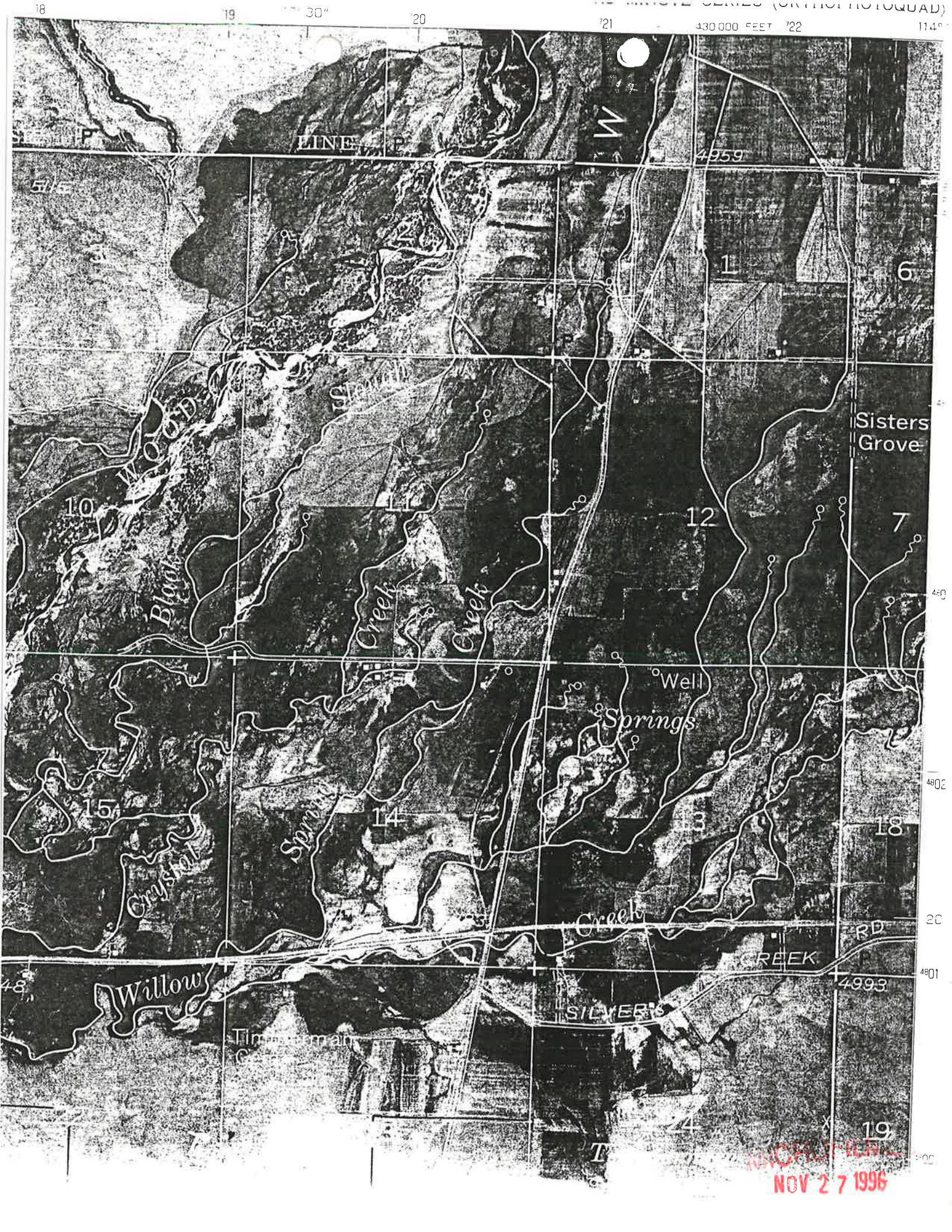
POD NENE
UNNAMED CR.

-04159 WALKER

SENE 16.0

POD NENE - GW
ARTESIAN

NOV 27 1996



LINE

4959

Sisters Grove

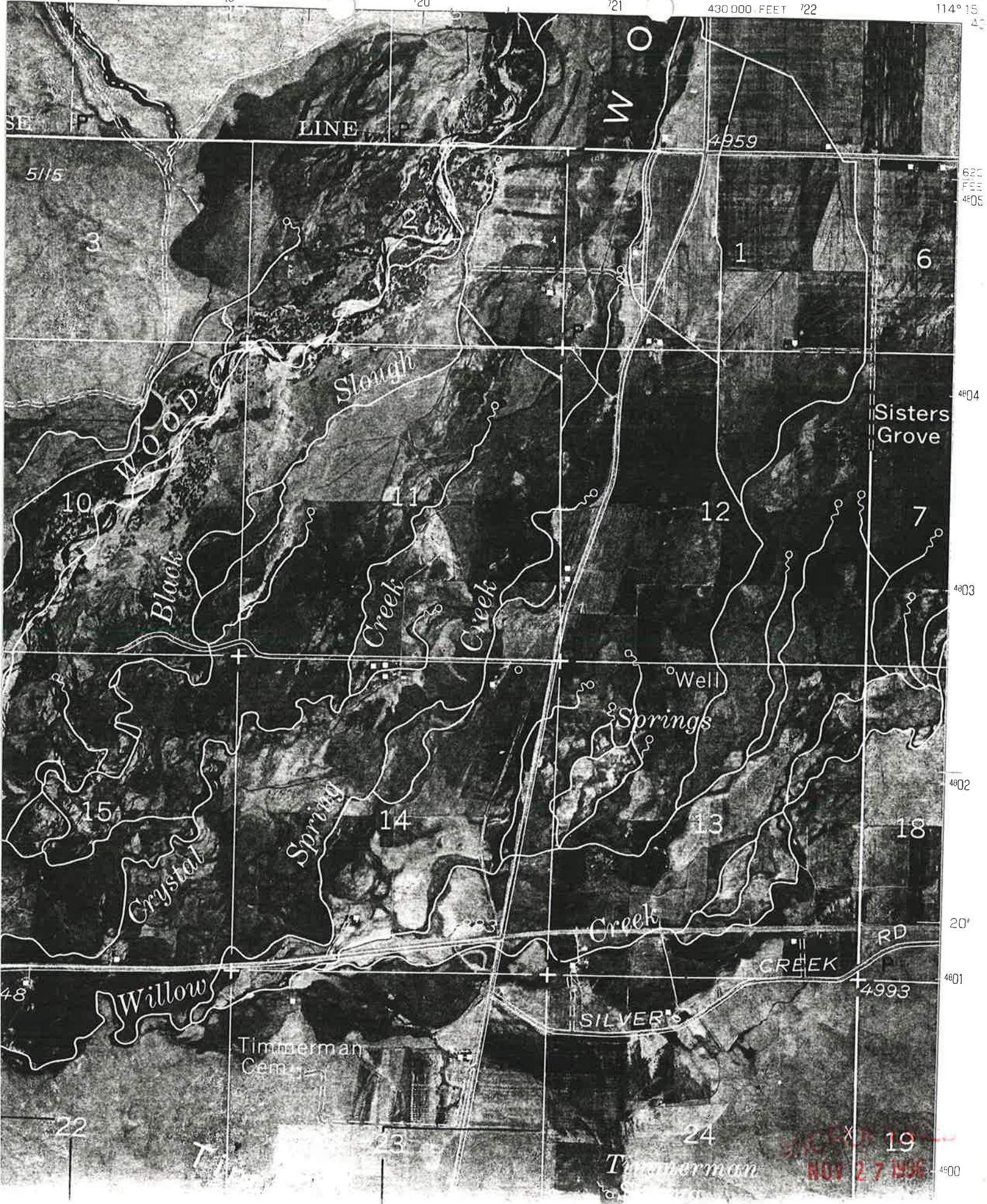
Well Springs

Creek

SILVER

Willow

NOV 27 1996



Water Right Number - A37-02386

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
PEARSON

JOYCE W.

1 - P.O. BOX 449

2 -

3 -

City- BELLEVUE

State- ID Zip- 83313

Phone - 208-788-3093

*** O - ORIGINAL OWNER ***
WALKER

DEE A.

1 - 17859 US HWY 20

2 -

3 -

City- BELLEVUE

State- ID Zip- 83313

Phone - 208-788-9457

STEHN

FRED

1 -

2 -

3 -

City- BELLEVUE

State- ID Zip- 83313

Phone - 208-000-0000

WURST

THERESA

1 -

2 -

3 -

City- BELLEVUE

State- ID Zip- 83313

Phone - 208-000-0000

WALKER

C. JOAN

1 - 17859 US HWY 20

2 -

3 -

City- BELLEVUE

State- ID Zip- 83313

Phone - 208-788-9457

+ - - Priority Date - - +
05/27/1919+ - - Region - - - +
17 SOUTHERN+ - - Stage - - - +
L - LICENSE

+ - - Status - - - - +

+ - - - - Source - - - - - +
UNNAMED CREEK+ - - - - Tributary - - - - - +
WILLOW CREEK+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

01S 18E 13 NE NE (13) BLAINE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 1.200+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
1.200 150.0966 2 7 1996
OFFICIAL

Water right number - A37-02386

Prefix Translation: ADJUDICATION CLAIM

| Tw | Rng | Sec | Tract | Lot | Acres | Place of Use Code | Description | County |
|-----|-----|-----|-------|-----|-------|-------------------|-------------|--------------|
| 01S | 18E | 13 | SW NE | | 35.0 | 01 | IRRIGATION | (13) BLAINE |
| 01S | 18E | 13 | NW SE | | 25.0 | 01 | IRRIGATION | (13) BLAINE |

Total Acres: 60.0

+ - - Diversion Means - CEMENT HEADGATE, 6'X6'X10' DEEP, DITCHES, FLOOD IRRIGATION

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 37-02505

+ - - - - - Remarks - - - - -
SOIL IS EXTREMELY POROUS - GRAVELLY, SANDY LOAM - LITTLE WOOD RI
VER SERIES.

+ - - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - - + + - - - - Decree Defendant - - - - + + - Decree Date - +
00/00/0000

+ - - Audit Fields - 11/18/88 BAUMHOFF

+ - - - - - Comments - - - - -
No Comments Found

+ - - - - - Adjudication Rights Dates and Flags Area - - - - -

| | | | | | |
|-----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 06/03/1985 | Old Judicial District | - |
| Claim Received Date | - 11/18/1988 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| Proof Due Date | - 00/00/0000 | Proof Made Date | - 00/00/0000 | Water District | - 37 |
| Licensed Date | - 00/00/0000 | Receipt Number | - C003458 | Federal/State Indicator | - S |
| Claims Tape Error Flg | - | POU Ownership Flag | - Y | Presumption Flag | - |
| Fee Exempt Flag | - | Name Connector | - OR | Notice of Error Flag | - |

MICROFILMED
NOV 27 1998

Water Right Number - A37-02386A

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

SMITH

GREGORY C.

1 - P. O. BOX 406

2 -

3 -

City- FAIRFIELD

State- ID Zip- 83327

Phone - 208-764-2118

SMITH

GEOFFREY C.

1 - P. O. BOX 732

2 -

3 -

City- BELLEVUE

State- ID Zip- 83313

Phone - 208-788-2676

*** O - ORIGINAL OWNER ***

WURST

THERESA

1 -

2 -

3 -

City- BELLEVUE

State- ID Zip- 83313

Phone - 208-000-0000

WALKER

C. JOAN

1 - 17859 US HWY 20

2 -

3 -

City- BELLEVUE

State- ID Zip- 83313

Phone - 208-788-9457

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
05/27/1919 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
UNNAMED CREEK WILLOW CREEK+ - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

01S 18E 13 NE NE (13) BLAINE

+ - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/15 10/15 0.930 162.40+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.930 164.40 0.0+ - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
01S 18E 13 NE NE 20.0 01 IRRIGATION (13) BLAINE
01S 18E 13 SE NE 26.4 01 IRRIGATION (13) BLAINE

Total Acres: 46.4

+ - - Diversion Means - CEMENT HEADGATE, 6'X6'X10' DEEP, DITCHES, FLOOD IRRIGATION

NOV 27 1996

Prefix Translation: ADJUDICATION CLAIM

| | | | | | |
|-----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 00/00/0000 | Old Judicial District | - |
| Claim Received Date | - 10/22/1992 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| Proof Due Date | - 00/00/0000 | Proof Made Date | - 00/00/0000 | Water District | - 37 |
| Licensed Date | - 00/00/0000 | Receipt Number | - S015102 | Federal/State Indicator | - S |
| Claims Tape Error Flg | - | POU Ownership Flag | - Y | Presumption Flag | - C |
| Fee Exempt Flag | - | Name Connector | - AND/OR | Notice of Error Flag | - |

NOV 27 1995

Water Right Number - A37-04159

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
WALKER

DEE A.

1 - 17859 US HWY 20
2 -
3 -City- BELLEVUE
Phone - 208-788-9457

State- ID Zip- 83313

WALKER

C. JOAN

1 - 17859 US HWY 20
2 -
3 -City- BELLEVUE
Phone - 208-788-9457

State- ID Zip- 83313

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/01/1955 17 SOUTHERN S - STATUTORY CLAIM+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

01S 18E 13 NE NE (13) BLAINE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 04/01 11/01 0.320

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.320 40.0+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

01S 18E 13 SE NE 16.0 01 IRRIGATION (13) BLAINE

Total Acres: 16.0

+ - - Diversion Means - ARTESIAN WELL AND DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A37-02386A

+ - - - - Remarks - - - - - +
WILLOW CR. WATER ALSO USED ON PROPERTY.+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

NOV 27 1996

Water right number - A37-04159

Prefix Translation: ADJUDICATION CLAIM

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - Audit Fields - 10/18/89 WHITE

+ - - - - Comments - - - - - +
No Comments Found

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

| | | | | | |
|-----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 04/11/1986 | Old Judicial District | - |
| Claim Received Date | - 10/20/1989 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| Proof Due Date | - 00/00/0000 | Proof Made Date | - 00/00/0000 | Water District | - |
| Licensed Date | - 00/00/0000 | Receipt Number | - S010244 | Federal/State Indicator | - S |
| Claims Tape Error Flg | - | POU Ownership Flag | - Y | Presumption Flag | - |
| Fee Exempt Flag | - | Name Connector | - AND/OR | Notice of Error Flag | - |

NOV 27 1998

12-16-92

WALKER to SMITH

ALL A37-04159
A37-02386

owned: TOIS RIBE \$19 SENE (Parcel 2)
W. Deed

sold: same

prop: W. deed - parcel 2

✓ AJQ1: print
✓ AJQ4: print

1. objection on paperwork
2. Quitclaim (copy - no notary seal) for parcel 1.
dated 09-21-92.
figure both parcels: TOIS RIBE \$13 NENE
" SENE
3. W. Deed is for both -04159 & -02386.
Change shares -04159 only for parcel 2.

already has claim in for A37-02386A covering
20 AC - NENE & SENE - 26.4 AC

SD-0601-2 Last Name: WALKER

STATE

| S
E
L | First
Name | O
W
N | Water
Right No. | Priority
Date | Source | Total
Diversion | Use
Code Desc |
|-------------|---------------|-------------|--------------------|------------------|-------------|--------------------|------------------|
| --- | WALKER | | | | | | |
| --- | AMY | C | A37-11441 | 01/01/1978 | | 0.060 | 04 STOCK |
| --- | ARCHIE D. | C | A37-11442 | 01/01/1948 | GROUNDWATER | 0.040 | 43 DOMEST |
| --- | | | | | | | 04 STOCK |
| --- | AMY | C | A37-11442 | 01/01/1948 | GROUNDWATER | 0.040 | 43 DOMEST |
| --- | | | | | | | 04 STOCK |
| --- | DEE A. | O | A37-02386 | 05/27/1919 | UNNAMED CRE | 1.200 | 01 IRR |
| --- | C. JOAN | O | A37-02386 | 05/27/1919 | UNNAMED CRE | 1.200 | 01 IRR |
| --- | GENE | C | A37-12417 | 04/04/1943 | GROUNDWATER | 0.130 | 43 DOMEST |
| --- | | | | | | | 04 STOCK |
| --- | BERNICE L. | C | A37-12417 | 04/04/1943 | GROUNDWATER | 0.130 | 43 DOMEST |
| --- | | | | | | | 04 STOCK |
| --- | EUGENE W. | C | A37-12938 | 07/20/1964 | GROUNDWATER | 0.040 | 43 DOMEST |
| --- | HELEN B. | C | A37-12938 | 07/20/1964 | GROUNDWATER | 0.040 | 43 DOMEST |
| --- | JIM J. | C | A37-08136A | 06/01/1983 | GROUNDWATER | 0.500 | 07 INDUST |
| --- | JIM J. | C | A37-08136B | 06/01/1983 | GROUNDWATER | 0.800 | 07 INDUST |

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

MICROFILMED
NOV 27 1996

SD-0601-2 Last Name: WALKER

STATE

| S
E
L | First
Name | O
W
N | Water
Right No. | Priority
Date | Source | Total
Diversion | Use
Code Desc |
|-------------|---------------|-------------|--------------------|------------------|-------------|--------------------|-----------------------|
| --- | WALKER | | | | | | |
| --- | C. JOAN | C | A37-11638 | 05/15/1910 | GROUNDWATER | 0.090 | 43 DOMEST
04 STOCK |
| --- | DEE A. | C | A37-11639 | 06/14/1934 | GROUNDWATER | 0.040 | 43 DOMEST |
| --- | DEE A. | C | A37-02552 | 06/28/1954 | GROUNDWATER | 1.440 | 01 IRR
43 DOMEST |
| --- | C. JOAN | C | A37-02552 | 06/28/1954 | GROUNDWATER | 1.440 | 01 IRR
43 DOMEST |
| --- | DEE A. | C | A37-04159 | 04/01/1955 | GROUNDWATER | 0.320 | 01 IRR |
| --- | C. JOAN | C | A37-04159 | 04/01/1955 | GROUNDWATER | 0.320 | 01 IRR |
| --- | DEE A. | C | A37-04160 | 04/01/1956 | GROUNDWATER | 0.190 | 01 IRR
04 STOCK |
| --- | C. JOAN | C | A37-04160 | 04/01/1956 | GROUNDWATER | 0.190 | 01 IRR
04 STOCK |
| --- | DEE A. | C | A37-11638 | 05/15/1910 | GROUNDWATER | 0.090 | 43 DOMEST
04 STOCK |

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

MICROFILMED
NOV 27 1996

STATE

(Menu)

MICROFILMED
NOV 27 1995

PARCEL #2

| | | | | |
|-------------------------|------------|--------------------|-------------|-------------------|
| SD-0604-2 Township: 01S | Range: 18E | Section: 13 | Tract: SENE | Lot: |
| S' L | STATE | O | S | Max # Records 30 |
| E O | Water | W | T | Priority Use |
| L Tract T | Right No. | N AC G | Date | Code Desc |
| ----- | | | | |
| SENE | A37-04159 | WALKER, DEE A. | C 16 S | 04/01/1955 01 IRR |
| | | WALKER, C. JOAN | C | |
| SENE | A37-02386A | SMITH, GREGORY C. | C 26 L | 05/27/1919 01 IRR |
| | | SMITH, GEOFFREY C. | C | |
| | | WURST, THERESA | O | |
| | | WALKER, C. JOAN | O | |

✓ W. Deed - Geoffrey

Q2

END OF DATA...ENTER MENU OPTION AND/OR PRESS ENTER TO CONTINUE
(Enter=Continue) (GOLD7=This Query)

(Menu _____)

MICROFILMED
NOV 27 1988

Form 42-1409(7)



**NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

RECEIVED

Please print or type
(see instructions on back of page)

DEC 23 1992

Department of Water Resources
Southern Region Office

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 1 South Range 19 EAST
Section 18, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A3702569, A37-04159
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Dee & Joan Walker
17859 U. S. Hwy. 20
Bellevue, ID 83313
- ☐ New Owner/Claimant (Purchaser): Geoffrey C. Smith
- ☐ New Mailing Address: P. O. Box 732
Bellevue, ID 83313
- ☐ New Telephone Number: () 788 - 2676
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: Deed
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- ☒ Signature of New Owner/Claimant(s) _____ Date _____

_____ Date _____
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____

_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:
Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

MICROFILMED
NOV 27 1998

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

12-23-92 WALKER to SMITH

02552
~~437-02505~~
A37-04159

recd: w/o signature - sent originals back
made copies for use

owned: TOIS RICE \$18

proof: grant deed Ex A

12-23-92

returned originals to SMITH

Mailed: 5-10-94 another form with correct
claim.

MICROFILMED
NOV 27 1996

EXHIBIT A

RECEIVED

DEC 23 1982

Department of Water Resources
Southern Region Office

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY
IDAHO.

SECTION 18: A parcel of land more particularly described by me
bounds as follows:

Commencing at the brass cap marking the West $\frac{1}{4}$ corner of Section 18, T.1S., R.19E., B.M., Blaine County, Idaho, said corner lying N. $00^{\circ}01'02''$ W., 2641.70 feet from a brass cap marking the Southwest section corner of said Section 18, said West $\frac{1}{4}$ corner being the TRUE POINT OF BEGINNING;
Thence N. $89^{\circ}29'11''$ E., 2772.85 feet along the Northerly boundary of the SW $\frac{1}{4}$ of said Section 18 to a $\frac{5}{8}$ " rebar marking the Center $\frac{1}{4}$ corner of said Section 18;
Thence S. $00^{\circ}03'44''$ E., 1915.65 feet along the Easterly boundary of the SW $\frac{1}{4}$ of said Section 18 to a $\frac{5}{8}$ " rebar on the Northerly boundary of U.S. Highway 20;
Thence N. $74^{\circ}42'42''$ W., 311.54 feet along said Northerly boundary of the highway to a brass cap;
Thence N. $78^{\circ}42'21''$ W., 404.46 feet along said Northerly boundary of the highway to a brass cap;
Thence 1143.75 feet along a curve on said Northerly boundary of the highway, said curve being concave to the South with central angle of $11^{\circ}18'33''$, a radius of 5794.60 feet, and a chord length of 1141.90 feet that bears N. $86^{\circ}21'58''$ W., to a brass cap;
Thence S. $87^{\circ}58'37''$ W., 938.16 feet along said Northerly boundary of the highway to a brass cap on the Westerly section line of said Section 18;
Thence leaving said highway N. $00^{\circ}01'02''$ W., 1690.18 feet to the TRUE POINT OF BEGINNING.

MICROFILMED
NOV 27 1996

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

Kneeland, Korb, Collier,
Legg & Haukaas
P. O. Box 249
Ketchum, ID 83340
Our File No. 5381-G

RECEIVED

DEC 23 1992

Department of Water Resources
Southern Region Office

(Space above line for Recorder's Use)

GRANT DEED

GRANTOR DEVON WALKER and JOAN WALKER, husband and wife, whose current address is 1144 Del Rio Road, Roseburg, Oregon 97470, for a good and valuable consideration the receipt whereof is hereby acknowledged does hereby GRANT and CONVEY in fee simple unto GEOFFREY C. SMITH, a single man, whose current address is P. O. Box 732, Bellevue, Idaho 83313, as GRANTEE, and to Grantee's heirs and assigns, forever, all the following described real estate, situated in County of Blaine, State of Idaho, to wit:

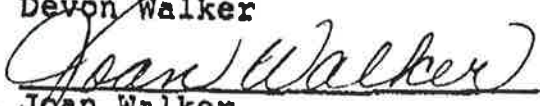
Attached hereto as Exhibit "A"

TOGETHER, with all tenements, hereditaments and appurtenances thereunto belonging.

GRANTOR warrants to the GRANTEE, and his successors in title, that GRANTOR has not created or permitted to be created any lien, charge of encumbrance against said real estate which is not shown herein, and GRANTOR covenants that they will defend said premises to the extent of the warranties made herein against the lawful claims of all persons.

IN WITNESS WHEREOF, the said GRANTOR has hereunto set their hands this 25th day of June, 1992.


Devon Walker


Joan Walker

ACKNOWLEDGEMENT

RECEIVED

STATE OF Oregon)
County of Douglas) ss.

DEC 23 1992

Department of Water Resources
Southern Region Office

On this 25th day of June, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared DEVON WALKER and JOAN WALKER, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they 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.

(SEAL)

David M. Hanson
NOTARY PUBLIC for Oregon
Residing at Roseburg Oregon
Commission Expires 11-11-97

REALWK\WIKRINTH.GRD

GRANT DEED - 2

MICROFILMED
NOV 27 1996

TAX, NOTICE AND RECEIPT

KEEP TOP PORTION FOR YOUR RECORDS
PLEASE READ REVERSE SIDE
YOUR CANCELLED CHECK IS YOUR RECEIPT

1992

| MARKET VALUE | TAX CODE AREA | PARCEL NUMBER | BILL NUMBER |
|--------------|---------------|-----------------|-------------|
| 35572 | 12-00 | RP01S19018150HA | 15030 |
| 35572 | FR SW TL 6776 | SEC 18 | |
| | 1S 19E | | |

109.453

SMITH, GEOFFREY C
P. O. BOX 732
BELLEVUE, ID 83313

TOT ACRES

DELINQUENT YEAR

91 14935

TAXING DISTRICT

RATE

AMOUNT

RECEIPT

FULL PAY

STATE

COUNTY

RECREATION

AMBULANCE

SCHOOL DIST #61

SCHOOL OVERRIDE

BELLEVUE CEM

RURAL FIRE

.001732

61.62

.000297

10.56

.000269

9.58

.003227

114.80

.001188

42.26

.000076

2.70

.001822

64.82

TAX

PEN.

INT.

COST

TOT.

1ST INSTAL

TAX

PEN.

INT.

COST

TOT.

2ND INSTAL

TAX

PEN.

INT.

COST

TOT.

RECEIVED

DEC 23 1992

Department of Water Resources
Southern Region Office

.008611

306.34

PLEASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX
RELATED QUESTIONS CALL (208) 788-5530

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH THE 2ND PAYMENT.

SMITH, GEOFFREY C

P. O. BOX 732

** DELINQUENCIES **

1992

15030

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH THE 1ST OR FULL PAYMENT.

SMITH, GEOFFREY C

P. O. BOX 732

** DELINQUENCIES **

2ND INSTALLMENT

153.17

PEN.

INT.

COST

TOT.

RP01S19018150HA

12-00

2nd

Personal checks are subject to bank clearance.

MAKE PERSONAL CHECKS PAYABLE TO

MARILYN LANIER

BLAINE COUNTY TAX COLLECTOR

P.O. BOX 905 (208) 788-5530

HAILEY, IDAHO 83333

5B

DELINQUENT IF NOT PAID ON OR BEFORE

JUNE 20, 1993

CHECK #

CASH

DATE PAID

PAID BY

RP01S19018150HA

12-00

FULL

1st

DELINQUENT IF NOT PAID ON OR BEFORE

DATE PAID

PAID BY

DECEMBER 20, 1992

CHECK #

CASH

TOTAL

306.34

PEN.

INT.

COST

TOT.

1ST INSTAL

153.17

PEN.

INT.

COST

TOT.

MICROFILMED
NOV 27 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

10-May-1994 12:00

GEOFFREY C SMITH
PO BOX 732
BELLEVUE, ID 83313

RE: ADJUDICATION CLAIMS A37-02552, A37-04159
DEE & JOAN WALKER

DEAR CLAIMANT:

IN REVIEWING YOUR CLAIM I NOTICES THAT I NEED YOUR SIGNATURE ON THE OWNERSHIP FORM.

I AM ENCLOSING A NEW CHANGE OF OWNERSHIP FORM. IF YOU COULD PLEASE SIGN AND SUBMIT THIS I WILL MAKE THE REQUESTED CHANGES.

SORRY FOR THE INCONVENIENCE. IF YOU HAVE ANY QUESTION PLEASE CALL THE OFFICE.

SINCERELY,

TARA L BACKLUND
RECORDS CLERK

ENCLOSURE

MICROFILMED
NOV 27 1996

Smith

732

ne ID. 83313



RECEIVED

DEC 23 1992
Department of Water Resources
Southern Region Office

IDAHO Dept. of WATER Resources

222 Shoshone ST. East

Twin Falls IDAHO 83301

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: A37-04159
Date Received: 10/13/1988
Receipt No: 5010244
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DEE A. WALKER 208-788-9457
Address: 17859 US HWY 20
BELLEVUE, ID 83313

AND/OR

Name: C. JOAN WALKER 208-788-9457
Address: 17859 US HWY 20
BELLEVUE, ID 83313

2. Date of Priority: APR 01, 1955

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 01S | 18E | 13 | NE | NE | | | BLAINE |

5. Description of diverting works:
ARTESIAN WELL AND DITCH

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.320 | | |

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

8. Total consumptive use is 40.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|---------------|-------|---------|------------|-----|-----|-------|
| 01S | 18E | 13 | SE NE | | IRR | 16.0 |
| Section Acres | | | | | | 16.0 |
| Total Acres | | | | | | 16.0 |

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
A37-02386A

14. Remarks:
WILLOW CR. WATER ALSO USED ON PROPERTY.

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: _____

For Individuals:

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

Signature of Claimant(s): *[Signature]* Date: 10-18-89

Date: _____

State of Idaho)
County of Tf) SS.

Subscribed and sworn (or affirmed) before me this 19th day
of Oct 19 89 *[Signature]*
Notary Public

Seal

Residing at Tf
My Commission Expires 5/94

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

10/17/89 16:36:27
Page 1

Water Right Number - 37-04159

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
WURST

JOE

1 - RT. 1 BOX 300
2 -
3 -
City- BELLEVUE
Phone -

State- ID Zip- 83313

+ - - Priority Date - - +
04/01/1955

+ - - Region - - - +
17

+ - - Stage - - - +
S - STATUTORY CLAIM

+ - - Status - - - +

+ - - Source - - - - - +
GROUNDWATER

+ - - Tributary - - - - - +

| Twn | Rng | Sec | Tract | Lot | RFlg | Point of Diversion | County |
|-----|-----|-----|-------|-----|------|--------------------|--------|
| 01S | 18E | 13 | NE NE | | | (13) BLAINE | |

| Code | Description | Period From | Period To | Diversion Rate | Diversion Volume |
|-----------------|-------------|-------------|-----------|----------------|------------------|
| 01 - IRRIGATION | | 04/01 | 11/01 | 0.320 | |

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.320

| Twn | Rng | Sec | Tract | Lot | Acres | Place of Use | Code | Description | County |
|-----|-----|-----|-------|-----|-------|--------------|------------|-------------|--------------|
| 01S | 18E | 13 | SE NE | | 16.0 | 01 | IRRIGATION | | (13) BLAINE |

Total Acres: 16.0

+ - - Diversion Means - ARTESIAN WELL AND DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - Remarks - - - - - +
No Remarks found.

+ - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - Decree Plaintiff - - - +

+ - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

RECORDED
FEB 23 1993

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

Water right number - 37-04159

Adj. flag translation: Standard Water Right Number

+ - - - - Water Rights Dates and Flags Area - - - - - +

| | | |
|-------------------------------|------------------------------|---------------------|
| Proof Due Date - 00/00/0000 | Field Exam Made - 00/00/0000 | Field Exam Fee - |
| Approved/Denied - 00/00/0000 | Protested Date - 00/00/0000 | Swan Falls - |
| Proof Made Date - 00/00/0000 | Hearing Date - 00/00/0000 | Temporary Right - P |
| Start Work Date - 00/00/0000 | Verified Date - 04/11/1986 | DLE/Carey Act - |
| Order Show Cause - 00/00/0000 | Receipt Number - | Water District - |
| Licensed Date - 00/00/0000 | Appl Received - 00/00/0000 | Transfer/Amended - |
| Decree Date - 00/00/0000 | | |

MICROFILMED
FEB 23 1993

Date Received 10/19/89

OCT 30 1989

State of Idaho
Department of Water Resources

Department of Water Resources
Southern Region Office

REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

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

Delbert J. Shaw

Name of Claimant

17969 45 Hwy 20

Post Office Address

Bellvue Id 83313

City, State, Zip Code

Blaine

County(s) where Place of Use is located

Oct. 1988

Date Claim Originally Due

RECEIVED

OCT 24 1989

Department of Water Resources

Identify water right(s) for which extension is requested

State reason(s) why an extension of time is requested:

medical - lower back fell on me
and I spent 9 mo. in Hospital and wheel
chair. Had thought that I had paid fees. Thank you

Claimant requests an extension to 10-19, 1989.

As per phone conv. 10/20/89 with
Dave Shaw this ext. to be granted.
ADM.

Delbert J. Shaw

Signature

owner

Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby

X granted denied,
and the filing deadline extended to 10/19, 1989.

Signed this 25 day of October, 1989.

David B. Shaw
Director or his designated agent

DAVID B. SHAW

MICROFILMED
FEB 23 1993

11/12/2006

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

RIGHT NUMBER: 37-4159

NAME AND ADDRESS: GEOFFREY C SMITH
17926 HWY 20
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.320 CFS
56.000 AFY

Rights 37-4159, 37-20629 and 37-2386B when combined shall provide no more than .02 cfs per acre.

Rights 37-4159, 37-20629 and 37-2386B when combined shall not exceed irrigation of 34 acres.

PRIORITY DATE: 06/22/1959

POINT OF DIVERSION:

T01S R18E S13 NENENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|------------------------|
| IRRIGATION | 04/15 10/31 | 0.320 CFS
56.00 AFY |

PLACE OF USE: IRRIGATION in BLAINE County

T01S R18E S13 SENE 33.00

33 ACRES TOTAL

within the This right authorizes and is limited to the irrigation of 16 total acres
place of use described in any one irrigation season.

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

SRBA Recommendation:

37-4159 & 37-20629

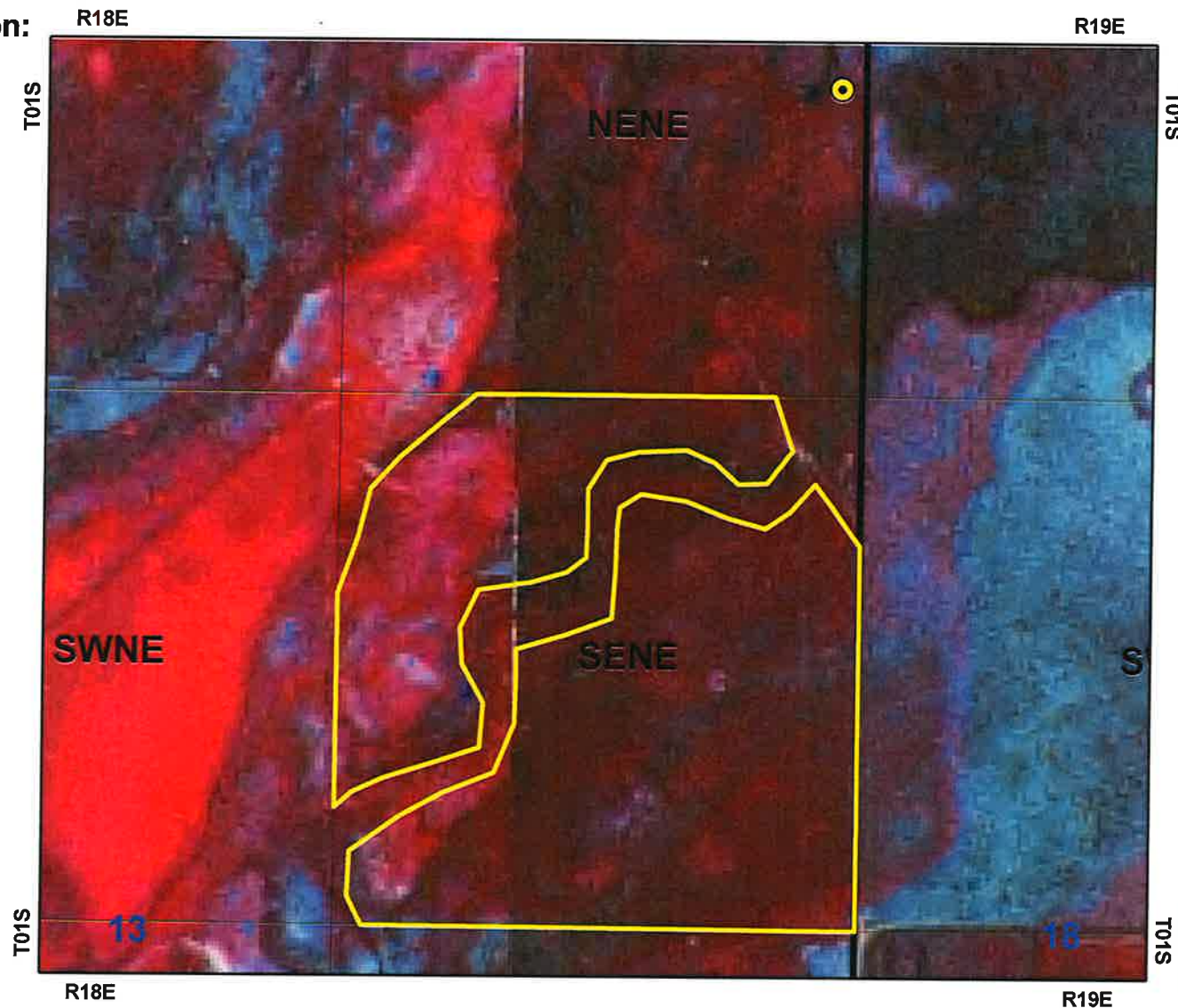
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.2 0.4 Miles

Prepared by A. Merritt
On Sunday, November 12, 2006
1987/88 Aerial Photography

Owner: Geoffrey C Smith

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

WELL LOG AND REPORT TO THE STATE RECLAMATION ENGINEER OF IDAHO

Log No. _____
 Rec. Department _____, 19____
 Well No. _____
 Permit No. 8 27968
034536

(DO NOT FILL IN)

Owner Henry Wurst Address Gannett
 Driller Eugene H. Walker Address Twins Falls Lic. No. 15
 Location of Well: NE 1/4 NE 1/4 Sec. 13, T. 1 N, R. 18 E, BLAINE County,
 and _____ feet N/S, and _____ feet E/W from _____ Corner of _____ 1/4 _____ 1/4 Sec.
 Size of Drilled Hole 8 in Total depth of Well 156
 Give depth of standing water from surface _____ Water Temp. 49 °Fahrenheit
 On pumping test delivery was _____ g.p.m. or _____ c.f.s. Drawdown was _____ feet.
 Size of pump and motor used to make the test _____
 Length of time pumped during check was _____ hr., _____ minutes.
 If flowing well, give flow in c.f.s. 4.4 or g.p.m. 2080 and shut in pressure unknown
 If flowing well, describe control works Gate Valve
 (TYPE AND SIZE OF VALVE, ETC.)
 Water will be used for Irrigation Weight of casing per linear foot 25 lb
 Thickness of casing .277 Casing material Steel
 E.G., PIPE, CONCRETE, WOOD.
 Diameter, length and location of casing 8 in - 156
 (CASING 12" IN DIAMETER AND UNDER GIVE INSIDE DIAMETER;
 CASING OVER 12" IN DIAMETER GIVE OUTSIDE DIAMETER.)
 Number and size of perforations none located _____ feet to _____ feet
 from surface of ground.
 Other perforations none
 Date of commencement of well 15 June Date of completion of well 22 June 59
 Type of well rig Churn

CASING RECORD

| DIAM.
CASING | FROM
FEET | TO
FEET | LENGTH | "REMARKS" -- SEALS, GROUTING, ETC. |
|-----------------|--------------|------------|------------|------------------------------------|
| <u>8</u> | <u>0</u> | <u>155</u> | <u>155</u> | |

GENERAL INFORMATION—Pumping Test, Quality of Water, Etc.

NENE S. 13 15 18 E

WELL LOG

| From Feet | To Feet | Type of Material | Drilling Time | | Water-bearing Formation
Ans. Yes or No | Casing Perforated
Ans. Yes or No |
|---|---------|---|---------------|------|---|-------------------------------------|
| | | | Hrs. | Min. | | |
| 0 | 4 1/2 | Surface | 1 | | No | No |
| | 4 1/2 | Water | | | Yes | |
| 4 1/2 | 40 | Layers of River Gravel & Clay - Lots of Water | 11 | | Yes | No |
| 40 | 70 | Brown Running Sand | 6 | | Yes | No |
| 70 | 121 | Blue Running Sand | 12 | | Yes | No |
| 121 | 143 | Light sandy Blue Clay | 4 | | No | No |
| 143 | 155 | Sticky Brown Clay | 2 | | No | No |
| 155 | 155 1/2 | Artesian Water | | | | |
| 155 1/2 | 156 | Clay & gravel | 1 | | ? | No |
| 156 | ? | Second strata Artesian Water | | | | |
| If more space is required use Sheet No. 2 | | | | | | |

WELL DRILLER'S STATEMENT

This well was drilled under my jurisdiction and the above information is true and correct to the best of my knowledge and belief.

Signed

Eugene W. Walker

By

Dated

1 Oct

19 *59*

License No.

15



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 15, 2005

X
X
X
X

Re: Evidence of Priority

Dear Claimant:

RESPONSE DEADLINE
JUNE 17, 2005

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

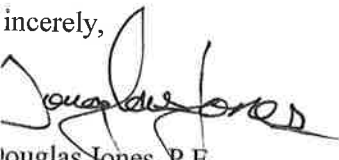
If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

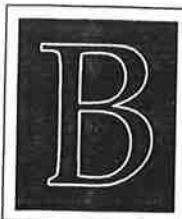
PLEASE NOTE: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted – it may be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-____). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,


Douglas Jones, P.E.
Water Rights Supervisor

enclosures



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

RECEIVED

NOV 26 2003

Department of Water Resources
Southern Region

November 23, 2003

Mr. Michael J. Kraynick
P.O. Box 157
Hailey, ID 83333

Re: Smith/Dreyer/Stasz artesian well and pond diversions
Project No. 578-02-2002

Dear Mr. Kraynick:

By request of your letter dated September 27, 2003, I inspected and surveyed the diversion and flow measurements systems in place at the artesian well located in the NE ¼ NE ¼ NE ¼, Section 12, T. 1 S., R. 18 E. My site inspection was made on November 7, 2003. I utilized the data collected from the site to conduct a hydraulic evaluation of the diversion system to determine 1) whether the requirements of the Watermaster of District 37 are being met with regard to regulation and measurement, 2) whether the system can deliver each party's maximum diversion rate and be adequately regulated under all flow conditions.

The last time I had visited the site was on May 31, 2002. Since that time, the pond has been enlarged somewhat and the berms on all sides raised. A roadway has been constructed running north-south on the west side of the pond. The artesian well discharges to this pond, and two outlets are present in the pond.

The Dreyer outlet delivers water to Willow Creek and ultimately to Mr. Dreyer's property to the south. The outlet consists of a vertical section of 24-inch CMP with a rectangular cutout and slide gate setup (see the attached photo). Water overflows from the pond through the cutout, drops into the vertical pipe, and flows across the roadway in a 24-inch CMP culvert. The slide gate is adjustable in discrete increments by way of holes drilled in the plate and the steel guides. Downstream of the roadway, a steel weir box with an 18-inch rectangular sharp-crested weir is present. The flow over this weir was 0.22 cfs at the time of inspection.

The Smith outlet consists of a 18-inch CMP culvert through the embankment in the southwest corner of the pond. At the time of the site inspection, water had eroded the embankment and most of the water was flowing through a breach in the embankment. The culvert is damaged at the upstream side.

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Department of Water Resources
Southern Region

Downstream of the culvert, water flows under the roadway in a second culvert and to a steel weir box with a 90° V-notch weir. The flow over this weir was 1.03 cfs at the time of inspection.

Weir evaluation

Both weir boxes are set at an appropriate elevation to ensure that submergence does not occur and water does not "back up" into the pond, and are level to within ± 0.25 inches. The rectangular weir crest is perfectly level. The dimensions of the weir boxes and weir plates are in general conformance with my preliminary drawings distributed on June 19, 2002, and meet U.S. Bureau of Reclamation standards for the typical flows to be measured by the weirs. Based on this evaluation, the setting of the weirs is adequate.

Erosion protection around the weir boxes should be provided. At a minimum, this should take the form of embedded stone 6" to 8" in diameter at the upstream and downstream ends of the box. A minor amount of leakage is occurring around the Smith weir box, and this may progress further unless erosion protection is provided. The best approach to ensure the long-term stability of the weir boxes would be to construct a concrete headwall extended 18" below the bottom of the boxes and attach the weir boxes to the headwall.

The Dreyer weir has a stainless-steel gauge set on the south wall of the box. This gauge is set approximately 3/16" too high, and therefore will not provide an accurate reading of the head over the weir. The gauge reads in inches and is not a standard gauge for a weir of this type as normally required by the watermaster. The gauge should be replaced with a standard Type C gauge reading in feet and hundredths. Brockway Engineering can provide these gauges, or they can be ordered from Stevens Water Monitoring Systems. The gauge must be affixed to the side wall 4.0 feet upstream of the weir plate. The zero elevation of the gauge must be exactly equal to the weir crest. A surveyors level (not a laser level or carpenters level) must be used to set the gauge.

The Smith weir has no gauge. A "Type C" gauge should be installed exactly as described above for the Dreyer weir. On this weir, the zero elevation of the gauge must be exactly equal to the bottom of the notch in the V-notch weir.

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NOV 26 2003

Department of Water Resources
Southern RegionPond outlets and controls

The Dreyer outlet control device is configured to regulate the outflow to some degree, but does not meet the watermaster's requirement for a lockable screw-type headgate. The device may be easily retrofitted by extending the frame vertically, placing a cross-piece at the top, and affixing a 1" threaded fitting. A threaded rod with a handwheel could then be attached to the slide plate.

The configuration of the Dreyer outlet will provide good control of the pond elevation since it is an overflow device. The outlet is sufficient to pass the maximum estimated design flow of 3.0 cfs with a pond elevation about 9" higher than it was during the site inspection. The berms on all sides of the pond are adequate to provide at least 12" of freeboard even during the maximum flow condition.

Because the top of the 24-inch CMP is open, the device will also prevent overflow of the pond in the event both headgates are inadvertently closed.

At present, the Smith outlet has no means of regulating the outflow. As noted above, the embankment has failed and water is exiting the pond through a gap adjacent to the culvert. It appears that the intent was to provide a culvert through the embankment with some type of gate to adjust the flow. This configuration would be adequate, provided that the gate is a standard screw-type device designed to be attached to CMP culverts, such as a Waterman C-10 cast iron headgate. The culvert will likely need to be replaced, since it is damaged on the upstream end. Erosion protection measures should be provided as follows: 1) the embankment should be compacted to at least 95% of maximum density around the culvert, and 2) erosion protection around the inlet and outlet of the culvert should be provided in the form of 8" to 10" rock. The purpose of these measures is to prevent seepage along the culvert-soil interface and the subsequent loss of embankment integrity.

The capacity of the Smith culvert will be adequate to provide the maximum design discharge through the outlet of 0.7 cfs if the elevation of the culvert is set properly. To ensure that the capacity is maintained, the elevation of the bottom of the culvert at the inlet should be set 0.10 feet (1.25") lower than the present elevation. This will ensure that 0.7 cfs can be taken even if the pond level is at its lowest level (i.e. at the Dreyer outlet overflow elevation).

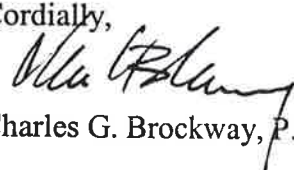
Recap

In summary, I would make the following recommendations to ensure compliance with the watermaster's requirements, hydraulic adequacy, and long-term viability of the system:

1. Install "Type C" gauges on both weirs according to the specifications set forth above.
2. Provide erosion protection on both ends of each weir box.
3. Retrofit the Dreyer outlet device to provide a lockable screw-type headgate.
4. Replace the existing 18" CMP culvert on the Smith outlet with an undamaged pipe of the same diameter and install a Waterman C-10 cast iron (or equivalent) headgate on the upstream side. The upstream invert elevation must be 0.10 feet lower than the present elevation.
5. Compact the embankment around the Smith outlet culvert to at least 95% of maximum density and provide erosion protection on both ends of the culvert.

Thank you for the opportunity to provide this analysis. Please do not hesitate to contact me if you need further assistance.

Cordially,


Charles G. Brockway, P.E.

cc: Lee Peterson
Bob Dreyer
Geoffrey Smith
Mark Stasz
Pat Brown
Norm Semanko
Allen Merritt



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NOV 26 2003

Department of Water Resources
Southern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMP THORNE
Governor

KARL J. DREHER
Director

October 2, 2003

Geoffrey C. Smith
17926 Hwy 20
Bellevue ID, 83313

Robert Dreyer
PO Box 4917
Ketchum, ID 83340

RE: September 10, 2003 visit

Gentlemen:

I am writing this letter as a follow up to my visit on September, 10th, 2003.

On that date the Dreyer well measured 0.29 cfs and the well on the Stasz property measured 0.78 cfs as measured with the department's Fuji portable meter. On that date Mr. Dreyer was receiving 0.03 cfs and Mr. Smith was receiving 0.82 cfs from the well on the Stasz property as indicated by their respective weirs. (I realize these add up to more than 0.78 cfs, but it is within 10%)

If regulation had taken place at the time of my visit the following flows would have been delivered based on the priorities of the respective rights:

| | | | | |
|---------------|--------|----------|-----------|-----------|
| Well on Stasz | Smith | 0.32 cfs | 4/1/1955 | (37-4159) |
| | Dreyer | 0.46 cfs | 5/18/1959 | (37-2614) |
| Dreyer Well | Dreyer | 0.29 cfs | 5/18/1959 | (37-2614) |

At the well on the Stasz property both parties' measuring devices appeared to be adequate (both need measuring gauges though). The headgates however are not acceptable for regulation purposes. As you recall the watermaster, Lee Peterson, required a screw down type headgate be installed on both diversions from the pond as to allow quick and easy control of flow. The department supports this requirement. The department also requires that a measuring device and control works be installed on the Dreyer well prior to regulation.

On a separate but related note, it appears that the Stasz's have also begun work on a measuring device and control works from the creek &/or well. At the time of my visit water was not being used and not measurable. The regulation of Smith and Dreyer does not hinge upon the Stasz installation of their measurement and control works. This is because Stasz were not a party to the agreement and order.

As you are aware the department has reviewed this matter a number of times. The basis of the department's visits is predicated on the agreement dated January 10, 2002 and court order of January 28th, 2002, in which the department, and the watermaster of Water District 37, or the watermaster's agents are authorized to regulate your diversions. (see paragraph 7 of the stipulated agreement and paragraph 5 of the order which you have previously been provided copies). Since adequate measuring devices and control works are not presently sufficient (according to the court stipulation this should have been completed by June 15, 2002) the department will not regulate further until either the means for regulation is constructed or the SRBA process is completed. In lieu of the irrigation season soon coming to a close, it is highly recommended that the measuring devices and control works outlined above be installed to allow regulation and avoid further confrontation for next season.

If you have any questions feel free to contact our department at your convenience.

Respectfully,



John Freitag, Water Resource Agent Sr.

CC: Tim Luke – IDWR Water Management
Lee Peterson – WM37 & 37M
Norm Semanko
Pat Brown
Mark and Meagan Stasz
Michael Kraynick

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OCT 02 2003

Department of Water Resources
Southern Region

Michael J. Kraynick, P.L.L.C.
Attorney at Law

P.O. Box 157
16 W. Croy Street, Ste J
Hailey, ID 83333

208-788-4668
Fax-788-4143
mrkaynick@cox-internet.com

September 27, 2003

Brockway Engineering
Attn: Chuck Brockway
2016 Washington Street N., Ste 4
Twin Falls, ID 83301

RE: Mark Stasz, Jeff Smith and Bob Dreyer Pond Diversion

Dear Chuck:

It was a pleasure speaking to you the other day and it is encouraging to know that you are familiar with the pond and the dispute.

Lee Peterson asked that I contact you for the group rather than have three attorney's contacting you and taking up your time to discuss the same matter. It is my understanding that you have requested a letter authorizing the work to be performed and describing the work. This letter will be copied to all three attorney's so that there will be no misunderstanding. Should one of the other attorney's or parties have a problem with the content of this letter or the description of the work to be performed, I am sure you will be immediately informed.

1. Head-gates: As we discussed, Lee Peterson has required the installation of conventional, screw controlled, controllable and lockable head-gates for the two diversion that run out of the subject pond located on Mr. Stasz's property. Mr. Peterson's words were Acceptable/Lockable head-gates and he explained that he meant the screw type gates. If there is any question as to what Mr. Peterson is requiring I suggest you confirm the design of the head-gates with him, but I believe all parties are well aware of what Mr. Peterson is requiring. Slide type head-gates will not be acceptable.
2. Location and installation specifications of head-gates: Brockway Engineering is to determine the location and installation specifications of the two head-gates, including but not limited to the depth of the gates.
3. Mr. Peterson has also required the installation of easily readable and measurable flow devises. Mr. Smith and Mr. Dreyer have both installed metal weirs. They have represented that these weirs were built according to a design supplied by your office. You have indicated that the designs you forwarded were apparently some preliminary designs supplied to their attorneys by your office. These weirs may or may not meet you requirements and it is within your discretion to

COPY

Chuck Brockway
September 27, 2003
Page 2.

determine the needs for an easily measurable water flow device. Mr. Peterson's requirement is that the devices should be easily measurable so that his employee will not have to spend a lot of time determining who is taking how much water from which diversion.

4. Mr. And Mrs. Stasz's concerns with respect to the diversion at the pond are twofold: One is that a minimum water level is maintained for the purposes of aesthetics. The level of the water in the pond should be maintained as high as possible for that purpose; and Two, that the viability of the berm surrounding the pond is maintained in order to protect the pond itself and its ability to hold water and provide an area for vegetation and landscaping.
5. Finally, Mr. Stasz has a diversion on Willow Creek that should be reviewed to determine that it does not interfere with the diversions from the Pond.
6. Construction and installation will b supervised and/or overseen by your office to make sure the construction and installation is per your specifications.
7. Unless I am way off base, I believe the billings are to be allocated to the owner of the diversion based upon the time and effort spent on each such diversion.

Thank you in advance for your assistance and cooperation in this matter. Work should start as soon as practicable unless you receive some sort of objection to this letter.

Sincerely,

Michael J. Kraynick

cc: Lee Peterson
Geoffrey Smith
Norm Semanko
Bob Dreyer
Allen Merritt, PE
Mark Stasz

Meeting on 7-16-03 with Jeff Smith, Cindy Smith, Bob Dreyer, Ken Dreyer, Mike Kraynick (Stasz representation), and Lee Peterson.



Artesian well located in the NENENE of S13, T01S, R18E.
Source for Smith/Dreyer/Stasz rights/claims. Measured at 0.78
cfs with the Fuji flowmeter.



Dreyer headgate



Dreyer weir – measured
at 0.03 cfs



Smith - headgate



Smith – weir, measured at
0.82 cfs



Bottom end of Smiths headgate, newly
constructed culvert and ditch.



Stasz – weir, immeasurable



Stasz – pump 1



Stasz – pump 2



Outlet for Dreyers artesian well located in
the SWSWSE of S13, T01S, R18E
measured at 0.29 cfs.

Measurements taken on 9-10-03 by John Freitag and Lee Peterson

| | |
|---------------|----------|
| Well on Stasz | 0.78 cfs |
| Smith weir | 0.82 cfs |
| Dreyer weir | 0.03 cfs |
| Dreyer well | 0.29 cfs |

Note that the Smith weir and Dreyer weir add up to more than the well was producing (0.78 cfs) it is within 10%.

✓ Geo Hrey C. Smith
17926 Hwy 20
Bellevee, ID 83313

✓ Robert Dreyer
P.O. Box 4917
Ketchum, ID 83340

✓ LL: Tim Luke S.O.

✓ Lee Peterson
P.O. Box T
Shoshone, ID 83352

✓ Norm Semenko
205 N 10th ST #530
BOISE, ID 83702-5795

✓ Pat Brown
P.O. Box 207
Twin Falls, ID 83303

✓ Mark P ~~Meagan~~ Meagan Stasz
P.O. Box 424
Twin Falls, ID 83303

✓ Michael Kravnick
P.O. Box 157
Hailey, ID 83333

Keith E. Hutchinson, Esq.
Patrick D. Brown, Esq.

**HUTCHINSON
&
BROWN, LLP**
ATTORNEYS AT LAW

PHONE: (208) 733-9300
WATS: (800) 753-2529
FAX: (208) 733-9343

September 8, 2003

RECEIVED
SEP 09 2003
Department of Water Resources
Southern Region

MICHAEL J. KRAYNICK
Attorney at Law
318 E. Spruce St.
P.O. Box 157
Hailey ID 83333

Re: **Smith**, Geoffrey -- Mark & Meagan Stasz v.

Dear Mr. Kraynick:

First, I represent Geoffrey Smith and would appreciate it if you would direct all future communications directly to me. I have reviewed your 8-29-03 letter to Geoffrey C. Smith and your 9-4-03 letter to Allen Merritt at IDWR.

Second, I have been well aware of the situation involving your clients' property since long before they purchased it. It is well documented that your clients' have changed the pond, springs and stream channel, all without necessary state, local and federal permits or applicable exemptions. Your clients have unlawfully interfered with Mr. Smith's senior water rights, and, if I read your letters correctly, you are participating in a continuing attempt to prevent him from exercising his easement rights and enjoying his water rights.

In short, I have instructed my client that, under the law, he has unquestioned rights to go onto your clients' property to enjoy his easements and water rights. Mr. Smith does not need written or any other permission from your clients to go onto their property.

Third, it is interesting that you accuse my client of not having proper headgates and diversion structures. He and Bob Dreyer have been attempting to avoid disputes about the water, including through the installation of proper headgates and diversion structures. In fact the SRBA court has ordered that they be installed. Your clients have

MICHAEL J. KRAYNICK

9-8-03

Page 2

had legal notice of that Order and have otherwise been informed of it, including by Mr. Smith. Yet your clients have directly contravened the Order.

Instead out of seeking to have the court change its Order, your clients dredged the pond, changed the diversion structures, all in a manner that does not comply with the court Order. Again, they also made these changes contrary to state, federal and local law.

Fourth, Mr. Smith has documented his attempts to work with your clients and avoid conflict, not only regarding water, but also concerning your clients' access to their property through Mr. Smith's. It would be inaccurate to say that your clients have done anything but disregard Mr. Smith's rights and the law. Simply put, your clients appear to believe it is appropriate to communicate with others or comply with the law only after they have accomplished that which they choose to accomplish.

Fifth, you state Mr. Smith's activities have been under investigation by the Blaine County Sheriff's Department and you anticipate they will be filing charges against him. This appears to be a clearly unethical threat to have criminal charges presented to bolster your unfounded assertions that your clients may deny Mr. Smith access without written permission.

In conclusion, please advise your clients that they may not interfere with implementation of the court Order for the installation of proper headgates and diversion works or Mr. Smith's enjoyment of his rights; including easements and water rights across your clients' property. Also, please advise them they may not divert water from that well or the pond, unless and until the judicial Order is changed by the court.

Please advise me in writing if your clients intend to divert any water, stating the legal basis therefore. Also, please acknowledge they will not interfere with Mr. Smith's access. Absent such communication and cooperation, your clients can be assured that they will have an opportunity to explain disregard of the judicial Order to the governing authority.

Please contact me if you have any questions or concerns about the scope of the Order, its applicability to your clients, or a need by your clients to divert water between now and the end of the irrigation season.

I also ask that you contact me if you have any proposal for resolving these matters short of the litigation. I look forward to hearing from you.

MICHAEL J. KRAYNICK
9-8-03
Page 3

Thank you.

Sincerely

A handwritten signature in black ink, appearing to be "Patrick D. Brown", with a long horizontal flourish extending to the right.

Patrick D. Brown

/cb

cc: Lee Peterson, Watermaster
Norm Semenko
✓ Allen Merritt, PE, Mgr.
Geoff Smith



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 5, 2003

Geoffrey C. Smith
17926 Hwy 20
Bellevue ID, 83313

Robert Dreyer
PO Box 4917
Ketchum, ID 83340

RE: Notice of change of agenda to regulate well

Gentlemen:

I have received a letter dated September 4, 2003, from Mark and Meagan Stasz's attorney, Michael Kraynick, which I believe you have also been provided a copy. It appears to me to indicate that Mr. Smith may be encumbered from completing installation of an adequate headgate on his diversion from the pond to meet my September 10, 2003 timeframe.

I have also reviewed Mr. Dreyer's water rights claims in more detail and have concluded that to equitably regulate right 37-2614, which is part of the agreement, it will be necessary for Mr. Dreyer to have in place an adequate measuring device and control valve on the second well located in the SWSE S13, T01S, R18E. I understand right 37-2614 is limited to 2.0 cfs and may be diverted from either or both wells. To regulate the well in the NENE S13, T01, R18E (Smith/Dreyer Well) use of the second well must be considered.

In light of these issues it does not appear that adequate notice and time has been provided to both parties before regulation can occur. I **do not** now intend to regulate on September 10, 2003, as my August 29, 2003 letter indicated; however, I do intend department staff to visit the site at 10:00 am on September 10, 2003 and inspect both wells and measure if possible using department equipment to provide an opinion as to how the water should be distributed if regulation should occur. At that time headgates will be inspected to see if they can be used for regulation.

It is my understanding from the agreement (see paragraph 7 of the stipulated agreement) that the department or the watermaster is not obligated to regulate at this time. It would be the department's intent only to regulate if adequate measuring devices and control

works are in place on all diversions from the pond and an adequate measuring device and a control gate are present on the second well described above or after the SRBA has partially decreed the rights and the rights are included in a water district.

Respectfully,


Allen Merritt, PE
Southern Region Manager

CC: Tim Luke – IDWR Water Management
Lee Peterson – WM37 & 37M
Norm Semanko
Pat Brown
Michael Kraynick

MICHAEL J. KRAYNICK, P.L.L.C.

ATTORNEY AT LAW

318 E. Spruce St.

P.O. Box 157

Hailey, Idaho 83333

208-788-4668

Fax: 208-788-4143

mkraynik@micron.net

September 4, 2003

Idaho Department of Water Resources
Allen Merritt, PE
Southern Region Manager
1341 Filmore Street, Ste 200
Twin Falls, ID 83301-3380

Via facsimile: 208-736-3037

RE: August 29, 2003 Letter to Geoffrey C. Smith

Dear Allen:

As you may be aware, I represent Mark and Meagan Stasz regarding their property adjacent to Mr. Smith. Mr. Smith's entry upon the property for the purposes of allegedly "managing" (and I use this word loosely) the deliver of water from the pond to his property is of great concern to my clients. His latest foray into the enterprise of headgate installation has destroyed a substantial portion of the retention berm surrounding the pond, damaged the existing headgate for the diversion in issue which was purchased and installed at the sole expense of my client, and put the stability of the retention berm in question when the irrigation season ceases on the 15th. Mr. Smith's trespass and injury to property is presently under investigation by the Blaine County Sheriff's Department and I anticipate they will be filing charges and serving Mr. Smith.

Naturally, my clients are concerned with any further "construction" on their property and the concomitant potential for additional damage and disrespect to their ownership interests by Mr. Smith. We have recently sent notice to Mr. Smith that he is not to enter upon their property without their express permission. Additionally my clients have now posted their property. I want to make it clear that Mr. Smith is not to enter upon the property for any reason without first receiving permission from my clients and a clear plan regarding construction and installation of the adequate measuring device and lockable headgate pursuant to your August 29, 2003 letter and plan regarding remediation of the damage to the berm, including but not limited to re-grading and rehabilitation of the berm and any other damaged property.

RECEIVED

SEP 05 2003

Department of Water Resources
Southern Region

Allen Merrit
September 4, 2003
Page 2.

Please forward this correspondence to whomever may have an interest. Your assistance and cooperation in this matter are appreciated.

Sincerely,


Michael J. Kraynick

Cc: Lee Peterson
Geoffrey Smith
Norm Semanko
Bob Dreyer

Merritt, Allen

From: Spencer, Nick
Sent: Thursday, September 04, 2003 11:13 AM
To: Merritt, Allen
Subject: Dreyer/Smith

Hi Allen. I just reviewed the letter from Michael Kraynick that you faxed me. I suspect that Dreyer and Smith will be unable to meet the September 10th deadline for installing lockable headgates. Of course your directive that satisfactory measuring devices be installed does not give Smith legal permission to trash the Stasz's property. They at least are not completely prohibiting him from entry onto the property, and I believe they are within their rights to withhold permission to enter the property until he can show them a remediation plan and plan for installing headgates without doing further damage. Are you going to go forward with the September 10th inspection, or are you going to give them more time now to work things out with the Staszs? NBS

Michael J. Kraynick, P.L.L.C.

Attorney at Law
P.O. Box 157
16 W. Croy Street, Ste J
Hailey, ID 83333
208-788-4668
Fax: 788-4143
email: mkraynick@cox-internet.com

Fax to: 208-736-3037

TO: Idaho Department of Water Resources
ATTN: **Allen Merritt**
FROM: Michael J. Kraynick
DATE: September 4, 2003
RE: Geoffrey Smith – Mark and Meagan Stasz

Total Pages: 3 including cover sheet.

Hard Copy: ☒ WILL ☐ WILL NOT FOLLOW

URGENT

Attached: Letter

Comments: Please do me the favor of faxing me a copy of the Stipulated Agreement and SRBA Order Approving Stipulated Agreement which was attached to your August 29, 2003 Letter to Mr. Smith and Mr. Dreyer. Thanks.

✓ Done

CONFIDENTIAL MESSAGE

The information contained in this facsimile is attorney privileged and confidential and intended only for the use of the individual named above. If the reader of this is not the intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you for your cooperation.

MICHAEL J. KRAYNICK, P.L.L.C

ATTORNEY AT LAW

318 E. Spruce St.

P.O. Box 157

Halley, Idaho 83333

208-788-4668

Fax: 208-788-4143

mkraynik@micron.net

September 4, 2003

Idaho Department of Water Resources
Allen Merritt, PE
Southern Region Manager
1341 Filmore Street, Ste 200
Twin Falls, ID 783301-3380

Via facsimile: 208-736-3037

RE: August 29, 2003 Letter to Geoffrey C. Smith

Dear Allen:

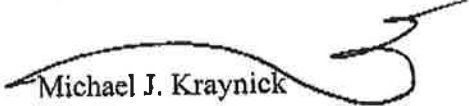
As you may be aware, I represent Mark and Meagan Stasz regarding their property adjacent to Mr. Smith. Mr. Smith's entry upon the property for the purposes of allegedly "managing" (and I use this word loosely) the deliver of water from the pond to his property is of great concern to my clients. His latest foray into the enterprise of headgate installation has destroyed a substantial portion of the retention berm surrounding the pond, damaged the existing headgate for the diversion in issue which was purchased and installed at the sole expense of my client, and put the stability of the retention berm in question when the irrigation season ceases on the 15th. Mr. Smith's trespass and injury to property is presently under investigation by the Blaine County Sheriff's Department and I anticipate they will be filing charges and serving Mr. Smith.

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Allen Merrit
September 4, 2003
Page 2.

Please forward this correspondence to whomever may have an interest. Your assistance and cooperation in this matter are appreciated.

Sincerely,



Michael J. Kraynick

Cc: Lee Peterson
Geoffrey Smith
Norm Semanko
Bob Dreyer



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 29, 2003

Geoffrey C. Smith
17926 Hwy 20
Bellevue ID, 83313

Robert Dreyer
PO Box 4917
Ketchum, ID 83340

RE: Notice to regulate well

Gentlemen:

I have received complaints that water is currently not being distributed according to your agreement and the subsequent order issued by the SRBA court dated January 28th, 2002. As you know the department visited the well last month and measured the discharge and observed that all parties had not yet installed measuring devices nor were the headgates adequate to regulate distribution among users. I now understand that both parties have measuring devices but I am not certain that the headgates are acceptable for regulation purposes. (Able to be adjusted and locked.)

Please be advised that according to the agreement and order of January 28th, 2002, the department, and the watermaster of Water District 37, or the watermaster's agents are authorized to regulate your diversions. (see paragraph 7 of the stipulated agreement and paragraph 5 of the order.)

Please also be advised that Title 42, Chapter 7 of the IDAHO CODE provides for the measurement of water. Specifically Section 42-701 states in pertinent part:

42-701. INSTALLATION AND MAINTENANCE OF CONTROLLING WORKS
AND MEASURING DEVICES BY WATER APPROPRIATORS -- PROCEDURE UPON
FAILURE TO INSTALL AND MAINTAIN -- MEASURING AND REPORTING OF
DIVERSIONS -- PENALTY FOR FAILURE TO COMPLY -- ENFORCEMENT
PROCEDURE -- REPORT FILING FEE.

(1) The appropriators or users of any public waters of the state of Idaho shall maintain to the satisfaction of the director of the department of water resources suitable headgates and controlling works at the point where the water is diverted. Each device shall be of such construction that it can be locked and kept closed by the watermaster or other officer in charge, and shall also be of such construction as to regulate the flow of water at the diversion point. Each such appropriator shall construct and maintain, when required by the director of the department of water resources, a rating flume or other measuring device at such point as is most practical in such canal, ditch, wellhead or pipeline for the purpose of assisting the watermaster or department in determining the amount of water that may be diverted into said canal, ditch, wellhead or pipeline from the stream, well or other source of public water. Plans for such headgates, rating flumes or other measuring devices shall be approved by the department of water resources.

(3) Any appropriator or user of the public waters of the state of Idaho that neglects or refuses to construct or maintain such headgates, controlling works, or measuring devices, or has not executed an agreement in lieu of a measuring device as provided in subsection (2) of this section, upon receiving ten (10) days' notice from the director of the department of water resources within which to begin and diligently pursue to completion the construction or installation of the required device or devices or to begin and diligently pursue to completion a remedy to such defects as exist in accordance with said notice, then the director of the department of water resources may order the duly qualified and acting watermaster of the water district to shut off and refuse to deliver at the point of diversion, the water owned by such appropriator or user until the user does construct and maintain such headgates, controlling works or measuring devices or remedy the defects which exist or the director may take action pursuant to section 42-1701B, Idaho Code, to enforce the requirement to construct, install or maintain such devices.

Please consider this letter the "notice" from the director of the department of water resources as described in 42-701 (3) listed above. The department requires you to have in place an adequate measuring device and a lockable headgate on or before September 10, 2003.

It is the intent of the department to inspect and regulate the diversions at 10:00 am on September 10, 2003. If adequate means to measure and control the diversions are not in place the department intends to issue a notice of violation.

Pursuant to your agreement (See paragraph 8 of the agreement) the department will charge a reasonable charge for regulation and assess equally both parties. (Estimate of \$35/hr. including travel time plus cost of locks)

A department representative will see you on September 10th, 2003, absent a notice from both parties indicating the distribution problem has been resolved.

Respectfully,



Allen Merritt, PE
Southern Region Manager

CC: Tim Luke – IDWR Water Management
Lee Peterson – WM37 & 37M
Norm Semanko
Pat Brown

Enclosed: Copy of Stipulated Agreement
Copy of SRBA Order approving Stipulated Agreement

RECEIVED
JAN 14 2003

Patrick D. Brown, ISB # 4413
Patrick D. Brown, P.C.
Attorney at Law
109 S. Adams Street
Jerome, ID 83338
Telephone: (208) 644-1967
Facsimile: (208) 644-1970

Attorney for Geoffrey C. Smith

Norman M. Semanko, ISB # 4761
Barker, Rosholt & Simpson, LLP Department of Water Resource
1221 West Idaho Street, Suite 600
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

Attorney for Robert Dreyer

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



SRBA

Case No. 39576

ROBERT DREYER,

Plaintiff,

vs.

GEOFFREY C. SMITH,

Defendant.

Subcase No. 92-00017

STIPULATION FOR REGULATION OF
WATER RIGHT CLAIMS UNTIL
DIRECTOR'S REPORTS ARE FILED

DESCRIPTIVE SUMMARY

This is a stipulation between the parties in the above-captioned subcase,
resolving the issues raised in Plaintiff's Verified Complaint.

STIPULATION

COME NOW, the Plaintiff, Robert Dreyer, and the Defendant, Geoffrey C. Smith,
in the above-captioned matter, by and through their attorneys of record, and stipulate
and agree as follows:

STIPULATION FOR REGULATION OF WATER RIGHT
CLAIMS UNTIL DIRECTOR'S REPORTS ARE FILED - 1

SCANNED
NOV 04 2003

COPY

1. Smith shall divert no more than .32 cfs, or 16 inches, into his ditch from the artesian well and collector pond located in the NE NE NE, Sec. 12, T. 1 S., R. 18 E., B.M., Blaine County, pursuant to SRBA Claim No. 37-04159 and an additional .48 cfs, or 24 inches, into the same diversion system pursuant to the unnumbered claim from the same source with a priority date of June 1, 1959.
2. Dreyer shall divert no more than 2.0 cfs, or 100 inches, into his ditch from said artesian well and collector pond, pursuant to SRBA Claim Nos. 37-02614 and 37-14289. ~~Dreher~~ ^{Dreyer} shall be entitled to divert this quantity of water prior to Smith's diversion of any additional water under the unnumbered claim referred to in paragraph 1 above.
3. Neither party shall interfere with the other party's diversion and use of water under their respective water right claims, or necessary access to the artesian well and pond, or their respective diversion works and ditches.
4. The parties shall install headgates and rating flumes, or other regulating and measuring devices, at the inlet of their respective ditches, sufficient to regulate and verify the amount of water diverted during the irrigation season. Said regulating and measuring devices shall be installed and verified by an independent engineer, under the supervision of the parties, on or before June 15, 2002. The regulating and measuring devices shall be approved by the Idaho Department of Water Resources and/or the Watermaster for Water District No. 37. Each party shall be responsible for their own costs in installing and maintaining their respective regulating and measuring devices.

5. Said regulating and measuring devices shall be set to provide for delivery of water consistent with paragraphs 1 and 2 above and according to the priority of these four rights as claimed, as between those four groundwater right claims.
6. Each party agrees that adjustments to the regulating and measuring devices shall be made by the Idaho Department of Water Resources, the Watermaster for Water District No. 37, or the Watermaster's agents. Neither party will adjust or interfere with the other party's regulating or measuring devices without prior written approval from the other party and authorization from the Idaho Department of Water Resources, the Watermaster for Water District No. 37, or the Watermaster's agents.
7. The parties further agree that IDWR, the Watermaster for Water District No. 37, or the Watermaster's agents are voluntarily consenting to make said adjustments. The parties understand and agree that IDWR, the Watermaster for Water District No. 37, or the Watermaster's agents are under no legal obligation or compulsion to regulate said measuring devices until (1) these claims are recommended or partially decreed in the SRBA and the SRBA Court has entered an order for interim administration pursuant to Idaho Code § 42-1417 or (2) these claims have been decreed and incorporated into a water district organized pursuant to Chapter 6, Title 42, Idaho Code. Additionally, the parties agree that IDWR, the Watermaster for Water District No. 37, or the Watermaster's agents will not regulate delivery of water under these claims in such a manner as to cause injury to other water rights.

8. Each party agrees that, while the water addressed by this Stipulation has its source as groundwater and is not presently regulated by the Watermaster for Water District No. 37, the water is commingled in a pond and, to some undefined extent, its use may impact surface flows in Willow Creek, a stream historically regulated by the Watermaster. Therefore, the parties shall cooperate in filing documents and seeking judicial and administrative approval for interim regulation of the claims consistent with this Stipulation pending their investigation, recommendation, and determination in the SRBA. It is understood and agreed that any water from the artesian well and collector pond in excess of that which is diverted by the parties pursuant to their respective water rights will be allowed to flow to Willow Creek. The parties each agree to pay the Idaho Department of Water Resources, the Watermaster For Water District No. 37, or the Watermaster's agents for administration according to the rates and charges made by the respective entity for administration within Water District No. 37.
9. Each party reserves the right to object to or contest, in the Snake River Basin Adjudication or elsewhere, the other's claims that are identified in paragraphs 1 and 2 above after Director's Reports are filed.
10. Concurrence with the Stipulation by IDWR shall not be construed as recognition of the validity of any of the four claims listed in paragraphs 1 and 2. The parties agree that the validity of these claims will be determined in the SRBA.
11. This Agreement may be specifically enforced by the parties, as damages at law are not an adequate remedy, by filing for an order to show cause before the presiding judge of the Snake River Basin Adjudication. The parties agree to

waive any right to contest the jurisdiction of this Court regarding enforcement of this Agreement. The parties reserve all other rights and remedies. This paragraph shall not be construed as a limitation on such other rights and remedies.

12. If the commencement of any further judicial, administrative, or other legal action is required to enforce the terms of this Stipulation, the offending party shall pay the costs and attorney fees incurred by the other party in pursuing said action.
13. Each party shall pay their own costs and attorney fees incurred to date in the above-captioned subcase.
14. The parties jointly move the SRBA District Court for an order consistent with this Stipulation, including any order for interim regulation of these rights according to this Stipulation.
15. This Stipulation may not be modified, except as agreed to in writing by the parties.
16. Upon entry of an order by the Court consistent with this Stipulation, the parties agree to dismissal of the current action, without prejudice.

DATED this 10 day of January 2002.

PLAINTIFF

By:

NORMAN M. SEMANKO

DEFENDANT

By:

PATRICK D. BROWN

CONCURRENCE BY IDWR

By:

NICHOLAS SPENCER

STIPULATION FOR REGULATION OF WATER RIGHT
CLAIMS UNTIL DIRECTOR'S REPORTS ARE FILED - 5

SCANNED
NOV 04 2003

JAN 25 2002 4:56 PM FR BARKERROSHOLT&SIMPSON44 6034 10 SRBA COURT

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 24 2002

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

By: Clerk
Deputy Clerk

In Re SRBA

Case No. 39576

ROBERT DREYER,

Plaintiff,

vs.

GEOFFREY C. SMITH,

Defendant.

Subcase No. 92-00017

ORDER APPROVING STIPULATION
FOR REGULATION OF WATER RIGHT
CLAIMS UNTIL DIRECTOR'S REPORTS
ARE FILED

Post-It* Fax Note

7671

| | | | |
|-----------|-------|------------|-------------|
| Date | 7/24 | # of pages | 5 |
| To | Allen | From | Vicki / NPS |
| Co./Dept. | | Co. | |
| Phone # | | Phone # | 327-5458 |
| Fax # | | Fax # | |

I.

DESCRIPTIVE SUMMARY

This is an order adopting the stipulation between the parties in the above-captioned subcase, resolving the issues raised in Plaintiff's Verified Complaint.

II.

PROCEDURAL BACKGROUND

1. On May 15, 1998, Robert Dreyer filed a verified complaint seeking a preliminary injunction against Geoffrey C. Smith.

ORDER APPROVING STIPULATION FOR REGULATION OF WATER RIGHT CLAIMS UNTIL
DIRECTOR'S REPORTS ARE FILED - 1

SCANNED
NOV 04 2003

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2. On May 19, 1998, an order to show cause as to why the preliminary injunction should not issue was issued and hearing set for May 28, 1998. As of May 28, 1998, the parties submitted to the Court a stipulated motion to vacate the hearing.
3. On July 10, 2001, a status conference was held. An additional status conference was held on October 11, 2001 and another Order to Show Cause was issued as of that same date. The show cause hearing was scheduled for January 14, 2002.
4. A *Stipulation for Regulation of Water Right Claims until Director's Reports are Filed* ("*Stipulation*") executed by the parties involved was submitted to the Court on January 10, 2002. IDWR also concurred with this stipulation as evidenced by the signature of Nicholas Spencer. The Order to Show Cause hearing was thus vacated by order issued January 11, 2002.

III.

ORDER RE: STIPULATION FOR REGULATION OF WATER RIGHT CLAIMS UNTIL
DIRECTOR'S REPORTS ARE FILED

In accordance with the *Stipulation* filed in this above captioned subcase, which is attached hereto and incorporated herein by reference, the Court accepts the written stipulation in its entirety and hereby orders:

1. Smith shall divert no more than .32 cfs, or 16 inches, into his ditch from the artesian well and collector pond located in the NE NE NE, Sec. 12, T. 1 S., R. 18 E., B.M., Blaine County, pursuant to SRBA Claim No. 37-04159 and an additional .48 cfs, or 24 inches, into the same diversion system pursuant to the unnumbered claim from the same source with a priority date of June 1, 1959.
2. Dreyer shall divert no more than 2.0 cfs, or 100 inches, into his ditch from said artesian well and collector pond, pursuant to SRBA Claim Nos. 37-02614 and 37-14289. Dreyer

ORDER APPROVING STIPULATION FOR REGULATION OF WATER RIGHT CLAIMS UNTIL
DIRECTOR'S REPORTS ARE FILED - 2

SCANNED

NOV 04 2003

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shall be entitled to divert this quantity of water prior to Smith's diversion of any additional water under the unnumbered claim referred to in paragraph 1 above.

3. Neither party shall interfere with the other party's diversion and use of water under their respective water right claims, or necessary access to the artesian well and pond, or their respective diversion works and ditches.
4. The parties shall install headgates and rating flumes, or other regulating and measuring devices, at the inlet of their respective ditches, sufficient to regulate and verify the amount of water diverted during the irrigation season. Said regulating and measuring devices shall be set to provide for delivery of water consistent with paragraphs 1 and 2 above and according to the priority of these four rights as claimed, as between those four groundwater right claims. Said regulating and measuring devices shall be installed and verified by an independent engineer, under the supervision of the parties, on or before June 15, 2002. The regulating and measuring devices shall be approved by the Idaho Department of Water Resources and/or the Watermaster for Water District No. 37. Each party shall be responsible for their own costs in installing and maintaining their respective regulating and measuring devices.
5. Adjustments to the regulating and measuring devices shall be made by the Idaho Department of Water Resources, the Watermaster for Water District No. 37, or the Watermaster's agents.
6. Neither party will adjust or interfere with the other party's regulating or measuring devices without prior written approval from the other party and authorization from the Idaho Department of Water Resources, the Watermaster for Water District No. 37, or the Watermaster's agents.

ORDER APPROVING STIPULATION FOR REGULATION OF WATER RIGHT CLAIMS UNTIL
DIRECTOR'S REPORTS ARE FILED - 3

SCANNED

NOV 04 2003

JAN 25 2002 4:57 PM FR

7. The parties shall cooperate in filing documents and seeking judicial and administrative approval for interim regulation of the claims consistent with the *Stipulation* pending their investigation, recommendation, and determination in the SRBA.
8. Any water from the artesian well and collector pond in excess of that which is diverted by the parties pursuant to their respective water rights will be allowed to flow to Willow Creek. The parties shall pay the Idaho Department of Water Resources, the Watermaster For Water District No. 37, or the Watermaster's agents for administration according to the rates and charges made by the respective entity for administration within Water District No. 37.
9. Concurrence with the *Stipulation* by IDWR shall not be construed as recognition of the validity of any of the claims listed in paragraphs 1 and 2. The parties agree that the validity of these claims will be determined in the SRBA.
10. The *Stipulation* may be specifically enforced by the parties, as damages at law are not an adequate remedy, by filing for an order to show cause before the presiding judge of the Snake River Basin Adjudication. The parties agree to waive any right to contest the jurisdiction of this Court regarding enforcement of the *Stipulation*. The parties reserve all other rights and remedies. This paragraph shall not be construed as a limitation on such other rights and remedies.
11. The parties shall act consistently and in accordance with all terms and provisions of the *Stipulation*.

IT IS FURTHER HEREBY ORDERED that the action between these two parties identified as subcase 92-00017 is hereby dismissed without prejudice.

ORDER APPROVING STIPULATION FOR REGULATION OF WATER RIGHT CLAIMS UNTIL
DIRECTOR'S REPORTS ARE FILED - 4

SCANNED

NOV 04-2003

JAN 25 2002 4:57 PM FR

IT IS SO ORDERED.

DATED 1-28-02

Roger S. Burdick

ROGER S. BURDICK

Presiding Judge

Snake River Basin Adjudication

ORDER APPROVING STIPULATION FOR REGULATION OF WATER RIGHT CLAIMS UNTIL
DIRECTOR'S REPORTS ARE FILED - 5

SCANNED

NOV 04 2003

The dispute arises over the splitting of the water from the well. Mr. Smith contends that Stasz has no right to the use of the well and all use is covered under the Dreyer vs. Smith court case 92-00017 which Stasz was not nor his predecessor party to. Smith indicates he tried to irrigate the Stasz land in the past but was not able to because of the difficulty of gravity distribution of water on the property. He indicated that if the Stasz land has ever been irrigated from ground water it would have had to come from the Pearson well located southwest of this well. He attributes the confusion over the water with past owners of the property and the way the property has been split up.

Stasz has apparently earlier in season put a portable pump in the pond and watered around the pond. He is currently installing an irrigation system on the property which will utilize water in willow creek. (potentially water from the well).

Our office has been hesitant to instruct Stasz not to utilize the well or not to install the irrigation system since the SRBA claims have not yet been fully investigated.

MEMO

FROM: Allen Merritt

DATE: 7/25/2003

TO: Doug Jones

SRBA Files: 37- 2614, 37-14289 in the name of Dreyer
37-4159, 37-20629 in the name of Smith
37-14290 in the name of Stasz

SUBJECT: Field Visit - Measurement of well

In response to a request of the watermaster and complaints of Geoffrey Smith regarding illegal use of ground water by Stasz John Freitag and I visited the well. During the site visit we measured the flow of the well, the diversion to Dreyer and the diversion to Smith. During the site visit Ken Dreyer, Geoffrey Smith, Mark Stasz and Lee Peterson were present at one time and another.

Well: We measured the well using the Fugi meter. We found 1.80 cfs flowing from the well.



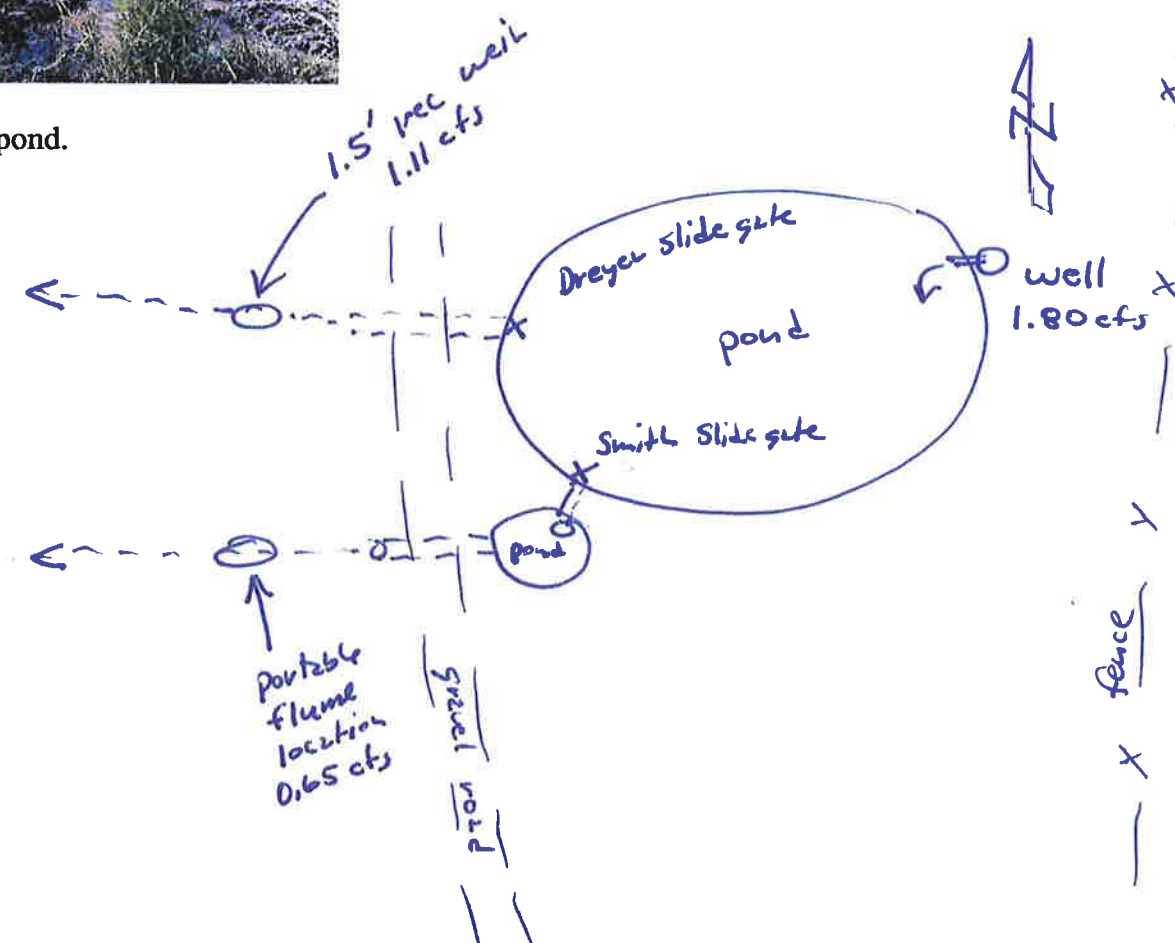
Dreyer Diversion: We measured the Dreyer Diversion from the well using the installed 1.5foot contracted rectangular weir installed below the pond on a ditch flowing west from the pond which eventually flows into Willow Creek and down to the Dreyer property. We found 1.11 cfs at this diversion.



Slide gate in pond.



Weir below pond.



Smith Diversion: We measured the Smith diversion from the well using a portable ramped flume which was placed in the ditch flowing west from the pond to the Smith property. We found 0.65 cfs flowing in this ditch.



Diversion from pond toward the south.



Small pond south below large pond with flow going west under road.



Portable flume in ditch flowing west.

Patrick D. Brown, ISB # 4413
Patrick D. Brown, P.C.
Attorney at Law
109 S. Adams Street
Jerome, ID 83338
Telephone: (208) 644-1967
Facsimile: (208) 644-1970

Attorney for Geoffrey C. Smith

Norman M. Semanko, ISB # 4761
Barker, Roshoit & Simpson, LLP
1221 West Idaho Street, Suite 600
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

Attorney for Robert Dreyer

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

In Re SRBA

Case No. 39576

ROBERT DREYER,

Plaintiff,

vs.

GEOFFREY C. SMITH,

Defendant.

Subcase No. 92-00017

STIPULATION FOR REGULATION OF
WATER RIGHT CLAIMS UNTIL
DIRECTOR'S REPORTS ARE FILED

RECEIVED
JUL 23 2003
Department of Water Resources
Southern Region

DESCRIPTIVE SUMMARY

This is a stipulation between the parties in the above-captioned subcase,
resolving the issues raised in Plaintiff's Verified Complaint.

STIPULATION

COME NOW, the Plaintiff, Robert Dreyer, and the Defendant, Geoffrey C. Smith,
in the above-captioned matter, by and through their attorneys of record, and stipulate
and agree as follows:

1. Smith shall divert no more than .32 cfs, or 16 inches, into his ditch from the artesian well and collector pond located in the NE NE NE, Sec. 12, T. 1 S., R. 18 E., B.M., Blaine County, pursuant to SRBA Claim No. 37-04159 and an additional .48 cfs, or 24 inches, into the same diversion system pursuant to the unnumbered claim from the same source with a priority date of June 1, 1959.
2. Dreyer shall divert no more than 2.0 cfs, or 100 inches, into his ditch from said artesian well and collector pond, pursuant to SRBA Claim Nos. 37-02614 and 37-14289. Dreher shall be entitled to divert this quantity of water prior to Smith's diversion of any additional water under the unnumbered claim referred to in paragraph 1 above.
3. Neither party shall interfere with the other party's diversion and use of water under their respective water right claims, or necessary access to the artesian well and pond, or their respective diversion works and ditches.
4. The parties shall install headgates and rating flumes, or other regulating and measuring devices, at the inlet of their respective ditches, sufficient to regulate and verify the amount of water diverted during the irrigation season. Said regulating and measuring devices shall be installed and verified by an independent engineer, under the supervision of the parties, on or before June 15, 2002. The regulating and measuring devices shall be approved by the Idaho Department of Water Resources and/or the Watermaster for Water District No. 37. Each party shall be responsible for their own costs in installing and maintaining their respective regulating and measuring devices.

5. Said regulating and measuring devices shall be set to provide for delivery of water consistent with paragraphs 1 and 2 above and according to the priority of these four rights as claimed, as between those four groundwater right claims.
6. Each party agrees that adjustments to the regulating and measuring devices shall be made by the Idaho Department of Water Resources, the Watermaster for Water District No. 37, or the Watermaster's agents. Neither party will adjust or interfere with the other party's regulating or measuring devices without prior written approval from the other party and authorization from the Idaho Department of Water Resources, the Watermaster for Water District No. 37, or the Watermaster's agents.
7. The parties further agree that IDWR, the Watermaster for Water District No. 37, or the Watermaster's agents are voluntarily consenting to make said adjustments. The parties understand and agree that IDWR, the Watermaster for Water District No. 37, or the Watermaster's agents are under no legal obligation or compulsion to regulate said measuring devices until (1) these claims are recommended or partially decreed in the SRBA and the SRBA Court has entered an order for interim administration pursuant to Idaho Code § 42-1417 or (2) these claims have been decreed and incorporated into a water district organized pursuant to Chapter 6, Title 42, Idaho Code. Additionally, the parties agree that IDWR, the Watermaster for Water District No. 37, or the Watermaster's agents will not regulate delivery of water under these claims in such a manner as to cause injury to other water rights.

8. Each party agrees that, while the water addressed by this Stipulation has its source as groundwater and is not presently regulated by the Watermaster for Water District No. 37, the water is commingled in a pond and, to some undefined extent, its use may impact surface flows in Willow Creek, a stream historically regulated by the Watermaster. Therefore, the parties shall cooperate in filing documents and seeking judicial and administrative approval for interim regulation of the claims consistent with this Stipulation pending their investigation, recommendation, and determination in the SRBA. It is understood and agreed that any water from the artesian well and collector pond in excess of that which is diverted by the parties pursuant to their respective water rights will be allowed to flow to Willow Creek. The parties each agree to pay the Idaho Department of Water Resources, the Watermaster For Water District No. 37, or the Watermaster's agents for administration according to the rates and charges made by the respective entity for administration within Water District No. 37.
9. Each party reserves the right to object to or contest, in the Snake River Basin Adjudication or elsewhere, the other's claims that are identified in paragraphs 1 and 2 above after Director's Reports are filed.
10. Concurrence with the Stipulation by IDWR shall not be construed as recognition of the validity of any of the four claims listed in paragraphs 1 and 2. The parties agree that the validity of these claims will be determined in the SRBA.
11. This Agreement may be specifically enforced by the parties, as damages at law are not an adequate remedy, by filing for an order to show cause before the presiding judge of the Snake River Basin Adjudication. The parties agree to

waive any right to contest the jurisdiction of this Court regarding enforcement of this Agreement. The parties reserve all other rights and remedies. This paragraph shall not be construed as a limitation on such other rights and remedies.

12. If the commencement of any further judicial, administrative, or other legal action is required to enforce the terms of this Stipulation, the offending party shall pay the costs and attorney fees incurred by the other party in pursuing said action.
13. Each party shall pay their own costs and attorney fees incurred to date in the above-captioned subcase.
14. The parties jointly move the SRBA District Court for an order consistent with this Stipulation, including any order for interim regulation of these rights according to this Stipulation.
15. This Stipulation may not be modified, except as agreed to in writing by the parties.
16. Upon entry of an order by the Court consistent with this Stipulation, the parties agree to dismissal of the current action, without prejudice.

DATED this ____ day of January 2002.

PLAINTIFF

DEFENDANT

By: _____
NORMAN M. SEMANKO

By: _____
PATRICK D. BROWN

CONCURRENCE BY IDWR

By _____
NICHOLAS SPENCER

Bob Dreyer

From: "Norm Semanko" <norm@iwua.org>
To: <rp@sunvalley.net>
Sent: Thursday, January 10, 2002 6:24 PM
Attach: StipPDB-Semanko-Spencer1-10-
Subject: Final Agreement

Bob --

Here is what was filed with the SRBA Court around 5:00 today. I'll get you a copy of the fully signed document when I receive it. Unless the Judge has major problems with it (which I don't anticipate), there should be no hearing on Monday.

Sometime relatively soon, we should all sit down with Lee Peterson and discuss implementation of this agreement for the upcoming irrigation season. We'll probably try to get a meeting set up there in Lee's office in the next few months.

Call or e-mail any questions. Thanks.

-- Norm Semanko

05/06/2003

Bob Dreyer

From: "Norm Semanko"
To: <rpdsunvalley.net>
Sent: Wednesday, June 19, 2002 5:34
Attach: V-notch.pdf; Rect weir.pdf
Subject: Smith-Dreyer measuring devices

Bob --

These measuring device designs from Brockway look good to me, but let me know what you think. Thanks.

-- Norm

>Delivered-To: iwua.org-norm@iwua.org
 >From: "Charles G. Brockway" <cbrock4@mindspring.com>
 >To: "Patrick Brown" <patbrown@tlink.com>,
 > "Norman Semanko" <norm@iwua.org>
 >Subject: Smith-Dreyer measuring devices
 >Date: Wed, 19 Jun 2002 11:50:02 -0600
 >X-MSMail-Priority: Normal
 >X-Mailer: Microsoft Outlook, Build 10.0.2627
 >Importance: Normal
 >X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2600.0000
 >
 > & Norm, Here are two pdf files with preliminary drawings of the
 >measuring devices. I evaluated all feasible options, but ended up
 >selecting standard sharp-crested weirs. These are simple, easy to
 >construct, and should work for the long term. The Smith weir will be a
 >V-notch weir, which allows accurate measurements of lower flows (0 to 1
 >cfs). The Dreyer weir will be a standard rectangular weir. I assume the
 >maximum flow of the well is 3.0 cfs (150 inches). The Dreyer weir is
 >designed to carry this entire flow. On 5/31/02, the discharge from the
 >well was 1.16 cfs. Prior to finalizing the drawings, I need to get some
 >elevation shots at the site in order to set the elevations of the two
 >structures. I believe Sliman& Butler can construct these with no problem
 >– we have worked with them on similar projects in the past. The
 >slide gates can be ordered from Waterman, but to reduce the cost I would
 >recommend having the gates fabricated locally. We use a metal fabricator
 >in Kimberly that does a very good job. On the well, I believe the best
 >approach for flow measurement is an in-pipe propeller-type meter such as a
 >McCrometer. This will read flow in cfs and total volume in acre-feet. The
 >only drawback to this type of meter is its longevity – it will
 >typically need to be replaced about every 5 years. The discharge pipe must
 >be full for the meter to operate properly, but at lower flows the pipe does
 >not flow full. Therefore, a gate valve is needed on the end of the pipe to
 >apply slight back-pressure to induce full flow. This will not reduce the
 >discharge from the well as long as the valve is not closed more than
 >needed. Charles G. Brockway, pH.D., P.E. Brockway Engineering, PLLC
 > 2016 North Washington Street #4 Twin Falls, Idaho 83301
 >cbrock4@mindspring.com Attachment Converted:
 >"c:\rmcnet\norm\attach\V-notch.pdf" Attachment Converted:

05/06/2003

>"c:\rmcnet\norm\attach\Rect weir.pdf"

Diagram of a laboratory flume setup for open channel flow experiments. The flume is 8'-0" long and 3'-0" high. It features a 2" steel C-channel bolted to the wall on the left, a flow direction indicator, and a steel V-notch weir plate on the right. Section A is at the inlet, and Section B is at the outlet. The weir plate is 1'-6" high. The flume is divided into three sections: a 1'-6" inlet section, a 3'-0" central section, and a 1'-6" outlet section.

1. DESIGN DISCHARGE RANGE = 0.04 TO 0.80 CFS (2 TO 40 INCHES).
2. DEWATER THE WORK AREA BY SHUTTING OFF THE ARTESIAN WELL AND/OR DIVERTING WATER TO THE OTHER POOL OUTLET AND CONSTRUCTING A COFFER DAM.
3. CONCRETE SHALL HAVE A 28-DAY COMPRESSIVE STRENGTH NOT LESS THAN 3000 PSI.
4. PLACE NO. 4 STEEL REBAR IN CONCRETE AT 12" O.C. EACH WAY.
5. BEDDING FOR STRUCTURE SHALL BE NATIVE GRAVEL AND SAND MATERIAL. NO PEAT, MUCK, OR CLAY IS ALLOWED.
6. ATTACH STEEL WEIR PLATE TO CONCRETE WITH 3/8" STAINLESS STEEL ANCHOR BOLTS.
7. CONCRETE STRUCTURE MUST BE LEVEL WITHIN $\pm 1/8"$.
8. WEIR CREST MUST BE LEVEL TO WITHIN $\pm 1/16"$.
9. STAFF GAUGE ZERO ELEVATION MUST EQUAL WEIR CREST ELEVATION TO WITHIN $\pm 1/16"$.
10. WEIR CREST MUST BE FILED TO A CLEAN EDGE ON THE UPSTREAM AND DOWNSTREAM SIDES.
11. SLIDE GATE SHALL BE EITHER FABRICATED TO ENGINEER'S SPECIFICATIONS, OR SHALL BE A WATERMAN CSR-5FY 30X30 STEEL SLIDE GATE.

Technical drawing of a steel plate with the following dimensions and features:

- Overall width: $2'-11"$
- Overall height: $1'-10"$
- Top flange width (each side): $5\ 1/2"$
- Top flange thickness: $3/16"$ STEEL PLATE
- Web height: $10"$
- Web thickness: $1/2"$
- Web angle: 80°
- Web angle: 10°
- 1/2" HOLES LOCATED 2" FROM EDGE

SLIDE GATE WITH HANDWHEEL,
FABRICATED FROM 1.5-INCH STEEL
ANGLE, MINIMUM 28" GATE THROW.
OUTSIDE GATE WIDTH = 34 INCHES

MAX. WSE AT
 $Q=0.8$ CFS

12" TYPE C STAFF GAUGE SET WITH
ZERO EQUAL TO WEIR CREST ELEVATION

APPROX. WSE ON 5/31/02
($Q = 0.2$ CFS EST.)

ELEV. ???? -

ELEV. ???? -

2'-6"

2'-6"

6"

9"

1'-0"

APPROX. EXISTING CHANNEL BOTTOM

PLACE 6" TO 10" ROCK
FOR EROSION PROTECTION

STEEL V-NOTCH WEIR PLATE
(SEE DETAIL)

7'-0"

2'-4"

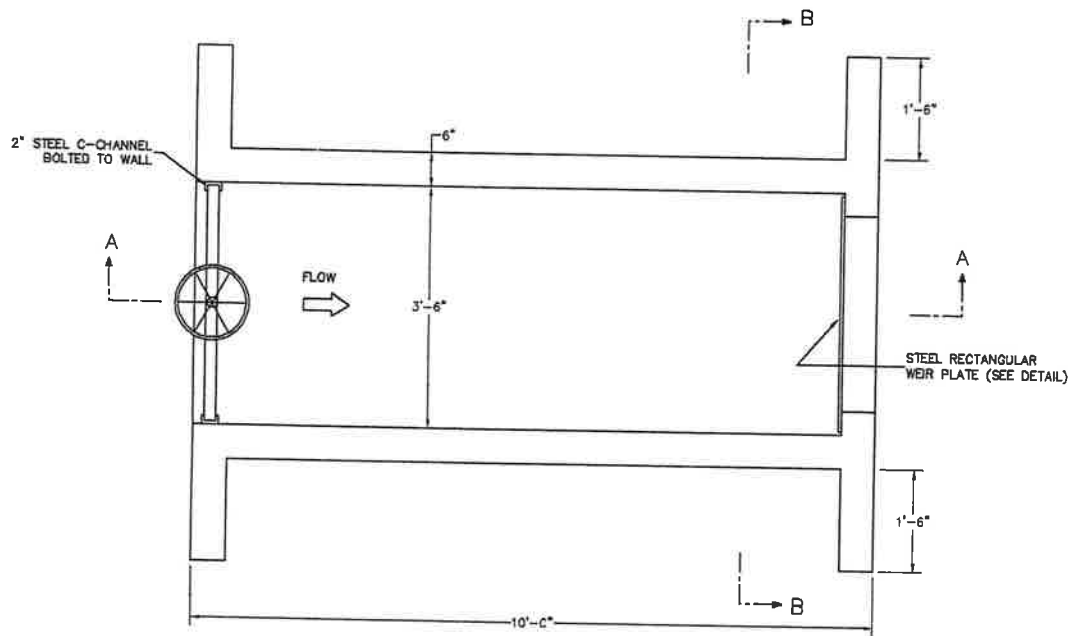
1'-3"

1'-9"

3'-0"

1'-0"

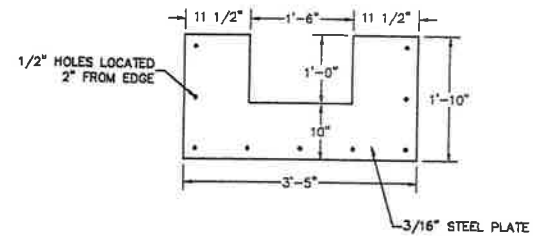
PLAN VIEW



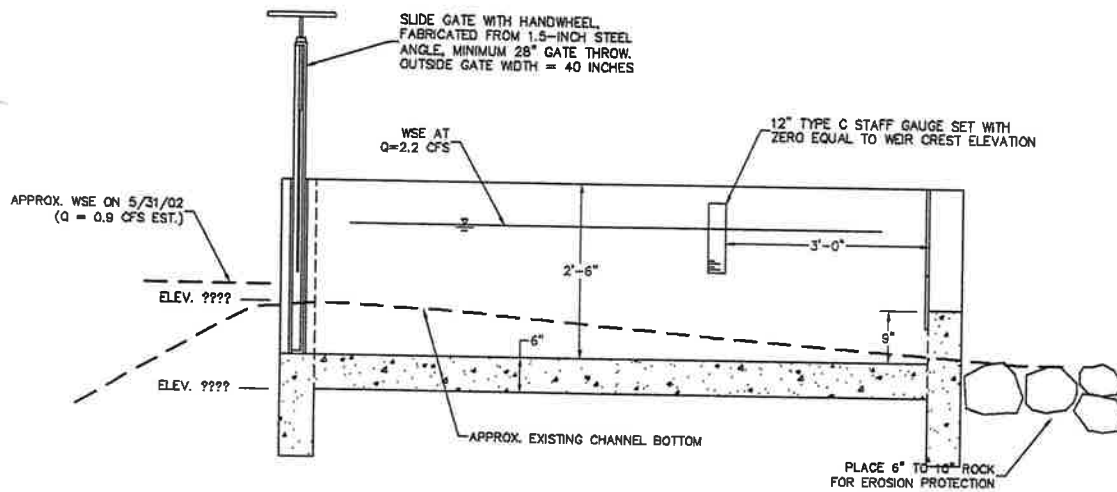
NOTES:

1. DESIGN DISCHARGE RANGE = 0.1 TO 3.0 CFS (5 TO 150 INCHES).
2. DEWATER THE WORK AREA BY SHUTTING OFF THE ARTESIAN WELL AND/OR DIVERTING WATER TO THE OTHER POOL OUTLET AND CONSTRUCTING A COPPER DAM.
3. CONCRETE SHALL HAVE A 28-DAY COMPRESSIVE STRENGTH NOT LESS THAN 3000 PSI.
4. PLACE NO. 4 STEEL REBAR IN CONCRETE AT 12" O.C. EACH WAY.
5. BEDDING FOR STRUCTURE SHALL BE NATIVE GRAVEL AND SAND MATERIAL. NO PEAT, MUCK, OR CLAY IS ALLOWED.
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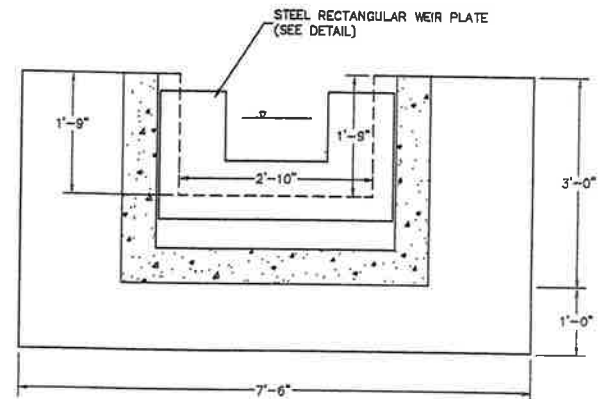
WEIR PLATE DETAIL

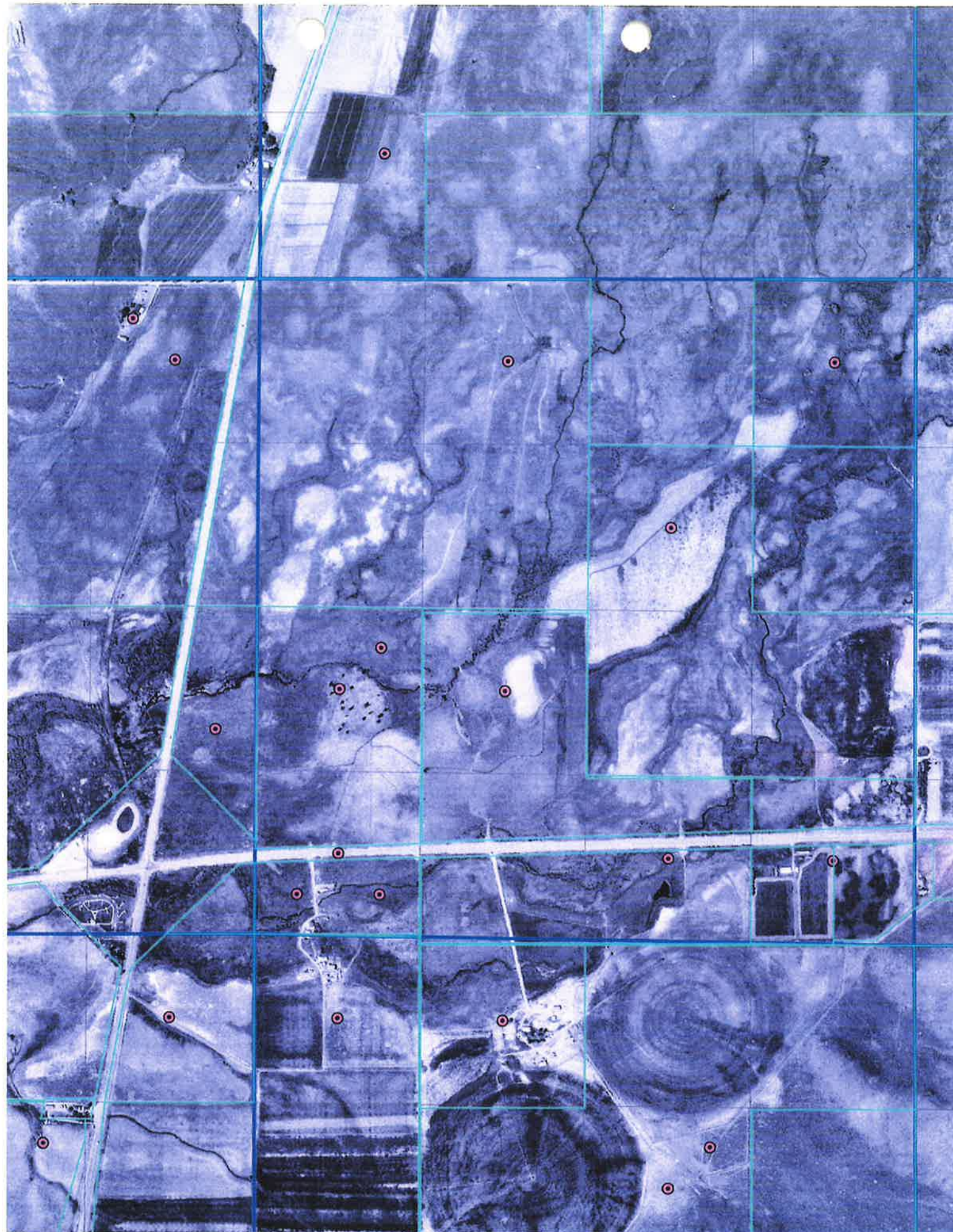


SECTION A-A



SECTION B-B





Christensen, Kelly

Subject: 37-04159 amendment search
Entry Type: Phone call
Contact: Sharon @ Roshalt's office

Start: Tue 3/9/99 12:00 AM
End: Tue 3/9/99 12:00 AM
Duration: 0 hours

She wanted to know if we had an amended claim in the office. I checked the database and then asked around the office. No one that I talked to had any knowledge of an amended claim being submitted.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. multiple

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Kelly K Christensen

DATE _____

October 5, 1994 11:16am

CUSTOMER

PAT BROWN Phone # 734-7510

SUBJECT: CONTINUATION OF PREVIOUS CONVERSATION

Rights that he wants copies of are; 37-02614, 37-04159, 37-1153, 37-7872, A37-11638, A37-11639, and A37-11641.

no Adj

PROFILME
NOV 27 1995

TO: Allen Merritt
DBS

DBS

Norman

ROSHOLT, ROBERTSON & TUCKER

Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
GARY L. OUTGLEY
JOHN K. SIMPSON
PATRICK D. MADIGAN
PAUL W. SAMUELSON
TIMOTHY J. STOVER
NORMAN M. SEMANKO
ERIK P. SMITH

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

April 17, 1995

RECEIVED

APR 18 1995

Department of Water Resources

RECEIVED

MAY 08 1995

Department of Water Resources
Southern Region

Patrick D. Brown
Hepworth, Lezamiz & Hohnhorst
P.O. Box 389
Twin Falls, ID 83303-0389

Re: Gertrude Peet/Geoffrey Smith

Dear Pat:

Our client, Gertrude Peet, is in the process of attempting to finalize a lease of her ranch, located near Timmerman Hill in Blaine County. As a new lessee is likely to start irrigating the property in the near future, this letter is meant to once again advise your client, Geoffrey Smith, of our client's rights regarding the well from which they both divert water. See Letter of September 21, 1994 from Thomas J. Ryan to Geoffrey C. Smith. We want to avoid the type of conflicts that have occurred in the past:

In sum, Geoffrey Smith may not: (1) divert more water from the well than he is entitled to; or (2) interfere with Gertrude Peet, or her lessee, when accessing, maintaining, or repairing the well, ditch or other irrigation works located between the well and the Peet ranch.

1. Diversion of Water from the Well

Gertrude Peet, by virtue of Water Right No. 37-02614, has a licensed right to receive 2.0 cfs, or 100 inches, of water under a priority date of May 18, 1959. In large part, this right is served by the well in question. Geoffrey Smith has a statutory claim, A37-04159, with a priority date of April 1, 1955, totaling .32 cfs. As a result, any diversion by Smith in excess of .32 cfs, and irrigation in excess of 16 acres, is unauthorized.

Exceeding the .32 cfs limit will result in a request to the Idaho Department of Water Resources (IDWR) for a cease and desist order, a request for injunctive relief from the Snake River Basin Adjudication (SRBA) District Court, and/or pursuit of criminal violations with the Blaine County Prosecuting Attorney.

PHOTOFILM
MAY 27 1995

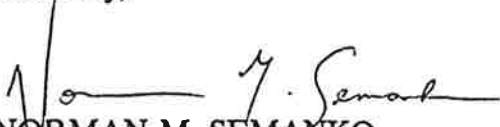
Patrick D. Brown
April 17, 1995
Page 2

2. Access, Maintenance and Repair of the Well, Ditch and Other Irrigation Works

The deed conveying the ranch to Gertrude Peet conveys all water and ditch rights appurtenant to and used in connection with the property. There also exists an implied easement. This includes the right to access, repair and maintain the well, ditch and other irrigation works. Again, interference with these rights will result in a request to IDWR, the SRBA Court, and/or the Blaine County Prosecuting Attorney for relief.

As before, we remain open to any negotiations or discussions regarding this matter. Certainly, we have tried to foster such talks over the past several months. However, in the meantime, we must again insist that your client refrain from interfering with the rights of Gertrude Peet, as set forth above.

Sincerely,


NORMAN M. SEMANKO

04179501.NMS

cc: Keith Higginson, Director, Idaho Department of Water Resources
Lee Peterson, Watermaster, District 37 and 37M
Fritz Haemmerle, Blaine County Prosecuting Attorney
Geoffrey Smith
Gertrude Peet

MICROFILMED
NOV 27 1995