

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: A37-13239
Date Received: 10/25/1989
Receipt No: MODS005
Received By: B

Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DALE P. SMITH 208-764-2442
Address: P.O. BOX 423
FAIRFIELD, ID 83327
AND/OR
Name: SHARON L. SMITH 208-764-2442
Address: P.O. BOX 423
FAIRFIELD, ID 83327
AND/OR
Name: EDWARD E. SMITH 208-764-2303
Address: P.O. BOX 425
FAIRFIELD, ID 83327
AND/OR
Name: SUNNIE C. SMITH 208-764-2303
Address: P.O. BOX 425
FAIRFIELD, ID 83327

2. Date of Priority: JUN 30, 1883

3. Source: SOLDIER CREEK Trib. to: CAMAS CREEK
SAMPSON CREEK SOLDIER CREEK
WARDROP CREEK SOLDIER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	14E	9	NW	NW	NW		CAMAS
			SW	SW	NW		CAMAS
			NE	SE	NW		CAMAS
			SE	NE	SE		CAMAS

5. Description of diverting works:
CONCRET DAMS, HEADGATES, DITCHES AND SPRINKLERS

MICROFILMED

FEB 26 1993

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.203		

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

A.F.A.

8. Total consumptive use is 462.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	14E	9	NE	SW	IRR	40.0
			NW	SW	IRR	20.0
			SW	SW	IRR	30.0
			NE	SE	IRR	6.0
			NW	SE	IRR	40.0
			SW	SE	IRR	25.0
			SE	SE	IRR	24.0
Section Acres						185.0
Total Acres						185.0

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:
A37-00678A, A37-00680A, A37-02041A

14. Remarks:

AC. IRRIG. NOT SPECIFIED. FARM = 240 AC.

THIS CLAIM REPRESENTS THE COMBINING OF 1.07CFS FROM RIGHT 37-220 AND 2.13CFS FROM RIGHT 37-221 BECAUSE THE TWO HAVE THE SAME SOURCES, PRIOROTY DATES AND PLACES OF USE. THE AMOUNT REPRESENT SPLITS OF THE ORIGINAL DECREED RIGHTS. CALCULATED FROM 160 ACRES OWNED/ THE SE 1/4 OF SECTION 9 T1N, R14E, AND THE FARM HAVING HAD 240 ACRES ORIGINALLY. OR $160/240 \times (\text{CFS}) = \text{AMOUNT CLAIMED}$.

THIS CLAIM ALSO GIVES THE SOURCES BEING FROM WARDROP AND SAMPSON CREEKS AS THESE ARE THE ORIGINAL CREEKS THE WATER WAS DIVERTED FROM, ALONG WITH SOME WATER FROM SOLDIER CREEK.

15. Basis of Claim: DECREED

Case Number:
Court :
Decree date:

S. C. FROST, ET. AL.
Decree Plaintiff

vs ALTURAS WATER COMPANY, ET. AL.
Decree Defendant

16. Signature(s)

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

Number of attachments: 3

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): Edward E Smith Date: 10-27-89

Date: _____

State of Idaho)
County of Camas) SS.

Subscribed and sworn (or affirmed) before me this 27th day
of October 19 89

Anna Baunhoff
Notary Public

Seal

Residing at Anna Baunhoff, Notary Public
Residing at Boise, Idaho
My Commission Expires December 7, 1994

11/01/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: November 21, 2006

Water right number: 37-13239

EDWARD E SMITH
PO BOX 425
FAIRFIELD ID 83327
Telephone Number: (208) 764-2303

SUNNIE C SMITH
PO BOX 425
FAIRFIELD ID 83327
Telephone Number: (208) ⁷⁶⁴~~674~~-2303

DALE P SMITH
PO BOX 423
FAIRFIELD ID 83327
Telephone Number: (208) 764-2442

SHARON L SMITH
PO BOX 423
FAIRFIELD ID 83327
Telephone Number: (208) 764-2442

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

 X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11/20/06

SIGNATURE:

Edward Smith

Sunnie Smith

Please print your name:

Edward Smith

Sunnie Smith

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, (800) 451-4129

SCANNED
NOV 30 2006

06/23/2006

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

RIGHT NUMBER: 37-13239
NAME AND ADDRESS: EDWARD E SMITH
PO BOX 425
FAIRFIELD ID 83327

SUNNIE C SMITH
PO BOX 425
FAIRFIELD ID 83327

DALE P SMITH
PO BOX 423
FAIRFIELD ID 83327

SHARON L SMITH
PO BOX 423
FAIRFIELD ID 83327

SOURCE: SAMPSON CREEK
WARDROP CREEK
TRIBUTARY: SOLDIER CREEK
TRIBUTARY: SOLDIER CREEK
QUANTITY: 3.000 CFS
PRIORITY DATE: 06/30/1883
POINT OF DIVERSION:

T01N R14E S9 NESENE Within CAMAS County
T01N R14E S9 SENESE Within CAMAS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	3.000 CFS

PLACE OF USE: IRRIGATION Within CAMAS County

T01N R14E S08	SESE	0.90	T01N R14E S09	NESW	38.00
T01N R14E S09	NWSW	20.00	T01N R14E S09	SWSW	4.60
T01N R14E S09	NESE	5.50	T01N R14E S09	NWSE	34.00
T01N R14E S09	SWSE	26.00	T01N R14E S09	SESE	18.00

147 ACRES TOTAL

This right is limited to the irrigation of 81 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 147 acres in a single irrigation season. Combined Right Nos.: 37-678A, 37-680A, 37-2041A, and 37-13239.

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 - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



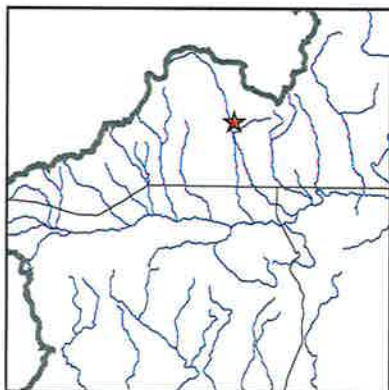
Idaho Department of Water Resources

SRBA Recommendation:

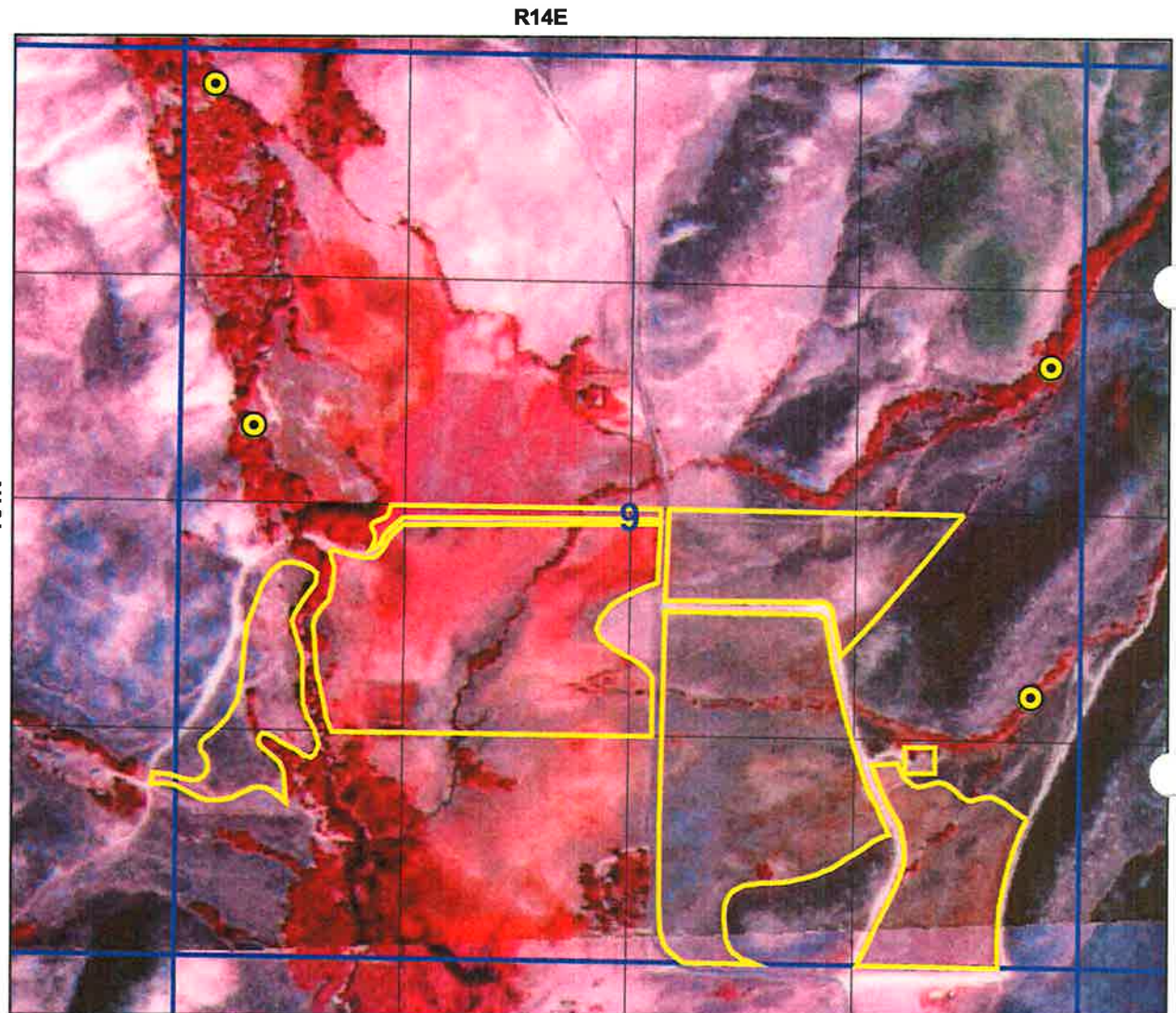
37-678A
37-680A
37-2041A
37-13239

Legend

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



Camas County
IDWR Basin 37



0 0.25 0.5 Miles



Prepared by M. Anders
On Friday, June 23, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-220

WATER RIGHT NUMBER: 37-220

Owner Type Name and Address

Current Owner ELLEN FINCH

Current Owner , ID
JOHN FINCH

, ZZ

Priority Date: 06/30/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SOLDIER CREEK	CAMAS CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	1.600 CFS	
	<u>Total Diversion:</u>	1.600 CFS	

Location of Point(s) of Diversion

SOLDIER CREEK

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	14E	9													X	X	X	X	
01N	14E	27		X	X														

Conditions of Approval:

1. AC. IRRIG. NOT SPECIFIED. FARM = 240 AC.

Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-220

Licensed Date:
Decreed Date: 12/13/1909
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37C
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Alturas Water Co, et al
Decree Plaintiff: S C Frost, et al
Civil Case Number:
Judicial District: Fourth District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-221

WATER RIGHT NUMBER: 37-221

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN FINCH
	, ZZ
Current Owner	ELLEN FINCH
	, ID

Priority Date: 06/30/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SOLDIER CREEK	CAMAS CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	3.200 CFS	
	<u>Total Diversion:</u>	3.200 CFS	

Location of Point(s) of Diversion

SOLDIER CREEK

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	14E	9													X	X	X	X	
01N	14E	27		X	X														

Conditions of Approval:

1. AC. IRRIG. NOT SPECIFIED. FARM = 240 AC.

Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-221

Licensed Date:
Decreed Date: 12/13/1909
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37C
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Alturas Water Co, et al
Decree Plaintiff: S C Frost, et al
Civil Case Number:
Judicial District: Fourth District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

Water Right Number - 37-00221

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

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

*** C - CURRENT OWNER ***
FINCH

JOHN

1 -
2 -
3 -

City-
Phone -

State- Zip-

FINCH

ELLEN

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - +
06/30/1883

+ - - - Region - - - +
17

+ - - - Stage - - - +
D - DECREED

+ - - - Status - - - +

+ - - - - Source - - - - - +
SOLDIER CREEK

+ - - - - - Tributary - - - - - +
CAMAS CREEK

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

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

01 - IRRIGATION

3.200

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
01N	14E	9	NE SE			01	IRRIGATION	25 CAMAS
01N	14E	9	NW SE			01	IRRIGATION	25 CAMAS
01N	14E	9	SW SE			01	IRRIGATION	25 CAMAS
01N	14E	9	SE SE			01	IRRIGATION	25 CAMAS
01N	14E	27	NW NE			01	IRRIGATION	25 CAMAS
01N	14E	27	SW NE			01	IRRIGATION	25 CAMAS

160 ACRES

Total Acres:

+ - - Diversion Means -
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -

MICROFILMED
FEB 26 1993

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	-	06/18/1985	DLE/Carey Act	-	
Order Show Cause	-	00/00/0000	Receipt Number	-		Water District	-	37C
Licensed Date	-	00/00/0000	Appl Received	-	00/00/0000	Transfer/Amended	-	
Decree Date	-	12/13/1909						

MICROFILMED
FEB 26 1993

Water Right Number - 37-00220

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

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

*** C - CURRENT OWNER ***
FINCH

JOHN

1 -
2 -
3 -

City-
Phone -

State- Zip-

FINCH

ELLEN

1 -
2 -
3 -

City-
Phone -

State- Zip-

+ - - Priority Date - - +
06/30/1883

+ - - - Region - - - +
17

+ - - - Stage - - - +
D - DECREED

+ - - - Status - - - +

+ - - - - Source - - - - +
SOLDIER CREEK

+ - - - - Tributary - - - - +
CAMAS CREEK

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

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

01 - IRRIGATION

1.600

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

01N	14E	9	NE SE			01	IRRIGATION	25	CAMAS
01N	14E	9	NW SE			01	IRRIGATION	25	CAMAS
01N	14E	9	SW SE			01	IRRIGATION	25	CAMAS
01N	14E	9	SE SE			01	IRRIGATION	25	CAMAS
01N	14E	27	NW NE			01	IRRIGATION	25	CAMAS
01N	14E	27	SW NE			01	IRRIGATION	25	CAMAS

160 Acres

Total Acres:

+ - - Diversion Means -
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -

MICROFILMED
FEB 26 1993

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	- 06/18/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 37C
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 12/13/1909				

MICROFILMED
FEB 26 1983