

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 37-20490
Date Received: 9/14/2001
Receipt No:
Received By:

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

1. Name of Claimant(s)

LAURENCE SMITH ESTATE Phone: (208)934-4231
% RICHARD B STRICKLAND
PO BOX 484
GOODING ID 83330

2. Date of Priority: 04/01/1888

3. Source: SPRINGS Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	13E	21	NW NW SE	GOODING	
06S	13E	21	SE NW SE	GOODING	

5. Description of diverting works:

TWO SPRINGS WITH CONCRETE HEADBOXES TO CONC. PIPELINES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.79	

7. Total Quantity Appropriated is:
0.79 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
06S	13E	21	NE	SW 2	IRRIGATION	14.5
			SE	SW 2	IRRIGATION	11.8
					Section Acres	26.3
					Total Acres	26.3

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

14. Remarks:

9/14/01 tf; this claim is the remaining portion of 37-791D after the sale of a portion to Leo Ray in 1989 per owner change documents received 1992.

15. Basis of Claim: Decreed

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: A37-00791D
Date Received: 8/22/1988
Receipt No: 5001623
Received By: ADM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LAURENCE SMITH ESTATE
Address: % RICHARD B. STRICKLAND
P.O. BOX 484
GOODING, ID 83330

208-934-4231

2. Date of Priority: APR 01, 1888

3. Source: SPRINGS Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	13E	21	NW	NW	SE		GOODING
			SE	NW	SE		GOODING

5. Description of diverting works:
TWO SPRINGS WITH CONCRETE HEADBOXES TO CONC. PIPELINES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.900		

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

8. Total consumptive use is 90.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06S	13E	21	NE	SW	2	IRR	16.0 -1.5
			SE	SW	2	IRR	14.0 -2.2

Section Acres 30.0

A37-00791D

Page 1

Date: 08/22/88

COPY

MICROFILMED

FEB 23 1993

10. Place of Use: Continued

Total Acres 30.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS CLAIM IS BASED ON A PORTION OF DECREE 37-0791 AND LIC.
37-2411 WHICH IS APPARENTLY AN OVERFILING OF THE DECREE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

WEST, ET. AL.

Decree Plaintiff

vs

BELL, ET. AL.

Decree Defendant

COPY

MICROFILMED

FEB 23 1993

(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.

FEB 23 1993

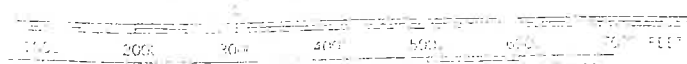


16
T.6 S., R.13 E.

MICROFILMED

FEB 23 1993

SCALE 1:24,000



122147

STATE OF IDAHO
COUNTY OF GOODING, SS

Richard Strickland
86 JUL 7 PM 1 31

FILED
JUL 1 1986

WEAVER and MELANSON
Attorneys at Law
130 North Broadway
Buhl, Idaho 83316
Telephone (208) 543-8268

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR GOODING COUNTY
MAGISTRATE DIVISION

* * * * *

IN THE MATTER OF THE CONSERVATOR-) Case No. _____
SHIP OF THE ESTATE OF LAWRENCE)
SMITH,) LETTERS OF
An incapacitated Person.) CONSERVATORSHIP

* * * * *

1. Richard Strickland and Ronald G. Stroud were duly
appointed and qualified as Co-conservators of the estate of
the above named incapacitated person on the 7th day of
July, 1986, by the Magistrate Acting as Registrar
with all authority pertaining thereto.

2. Administration of the estate is unsupervised.

These letters are issued to evidence the appointment,
qualification, and authority of the said personal
representative.

WITNESS, my signature and the Seal of this Court, this
7th day of July, 1986.
COUNTY OF GOODING

THOMAS R. CUSHMAN

Magistrate

I hereby certify that the foregoing is a true copy of
the original instrument on file in my office.

Dated 7-7 1986

JOHN A. MYERS
District Court Clerk

Dorothy Schannen

COPY

MICROFILMED
FEB 23 1993

WEAVER and MELANSON
Attorneys at Law
130 N. Broadway
Buhl, Idaho 83316
Phone (208) 543-8268

1 STATE OF IDAHO)
2) ss.
3 County of Twin Falls)

4 We, RICHARD STRICKLAND and RONALD G. STROUD, hereby
5 accept the duties of Co-conservators of the Estate of
6 Lawrence Smith, an incapacitated person, and do solemnly
7 swear that we will perform, according to law, the duties of
8 Co-conservators of the Estate of Lawrence Smith, an
9 incapacitated person.

Richard Strickland
RICHARD STRICKLAND

Ronald G. Stroud
RONALD G. STROUD

10
11 NOTARY PUBLIC
12 NOTARY SUBSCRIBED and SWORN to before me this 3rd day of
13 July, 1986.
14 OF IDAHO

Robert B. Roche
Notary Public for Idaho
Residing at *Bozeman, MT*

WEAVER and MELANSON
Attorneys at Law
1301 N. Broadway
Bozeman, Idaho 83716
Phone (208) 543-8268

COPY

MICROFILMED
FEB 23 1993

File with
37-00791 A
B
C
D
E

37-20490
37-20491

V. HANCOCK
DECREED RIGHT 37-791

9-29-2000

A SHALLOW ANALYSIS DONE IN PREPARATION FOR MEETING WITH CLAIMANT J. TED TALBOT re: CLAIM 37-791A

Mr. Talbot came into the office subsequent to a meeting with Water Measurement Bureau personnel who noted that he was diverting and putting to use much more than was claimed by him in the Adjudication as his portion of decreed right 37-791. Before my meeting with Mr. Talbot on 10-2-2000 I found the following information about this right as claimed this date:

Decreed Water Right 37-791 - Priority 1888 - Decree date May 1913
2 cfs

POU = SWNE, NWSE & NESW (LOT 2), SEC 21, T06S, R13E - 135 ac more or less
Source - Springs tributary to the Montana Mining Company Ditch

Note that the Decree did not indicate if all uses and users from the springs were included in the decree, and all rights were given the same priority date.

Adjudication Claims filed and based upon 37-791:

- | | | |
|--------|-----------------|----------------|
| • 791A | 0.34 cfs | on 11.0 ac |
| • 791B | 0.36 | 18.2 ac |
| • 791C | 0.18 | 6.3 ac |
| • 791D | 0.90 | 30.0 ac |
| • 791E | 0.11 | 5.0 ac |
| | <u>1.89 cfs</u> | <u>70.5 ac</u> |

} this does not include any domestic or stockwater claims that may exist

In 1921, a permit to appropriate water for use on 101 acres, in the same location and from the same source, was applied for and protested by other decree holders. A license was subsequently issued for 1.06 cfs for use on 53 acres. A more thorough investigation, using readable copies of documents from the file, will have to be conducted before it can be determined if this was intended to be additional water licensed to the property, if the license superceded the decree, or if it somehow evidences water use on the property circa 1921, etc.

Licensed Water Right 37-2411- Priority date 7-18-1921 - Issued 2-1922
1.06 cfs

POU = SWNW 5ac, NWSE 4ac, NESW (LOT 2) 44ac = 53 acres

Source - Two unnamed springs tributary to Snake River

Adjudication Claims

- | | | |
|-------------|-----------------|---------------|
| • 37-02411 | 1.06 cfs | 5.0 ac |
| • 37-02411A | .05 | 2.5 ac |
| | <u>1.11 cfs</u> | <u>7.5 ac</u> |

COPY

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2006 AUG 25 PM 1 55

**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

SUBCASE NO. 37-20490

Case No. 39576

**NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING**

IDWR has completed the following Administrative proceeding: **CHANGE OF ADDRESS**

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated:

8/22/06


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 8/25, 2006, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

Laurence Smith Estate
c/o Ted Talbott
917 Justice Grade
Hagerman ID 83332



Signature of person or attorney mailing the form

Mr. Ted Talbott

8-2-06

A.A.

Hoog Jones

Please send all
Mailings for
the Lawrence Smith
Estate to: 917
Justice Grade
Hagerman, Idaho
83332

Thanks,

Ted Talbott

RECEIVED

AUG 03 2006

DEPT. OF WATER RESOURCES
SOUTHERN REGION

SCANNED

AUG 03 2006



DISTRICT COURT - SRDA
TWIN FALLS CO., IDAHO
FILED

08/03/2006

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

2006 AUG 25 PM 1 55

RIGHT NUMBER: 37-20490

NAME AND ADDRESS: LAURENCE SMITH ESTATE
C/O TED TALBOTT
917 JUSTICE GRADE
HAGERMAN ID 83332

SOURCE: SPRINGS

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.790 CFS

PRIORITY DATE: 04/01/1888

POINT OF

DIVERSION: T06S R13E S21 NWNWSE Within GOODING County

T06S R13E S21 SENWSE Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.790 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T06S R13E S21 Lot 2 NESW 13.90 T06S R13E S21 Lot 2 SESW 2.60

16.5 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Sources are also known as Montana Mining Company Ditch Spring No. 3 or Upper Decker Spring and Montana Mining Company Ditch Spring No. 4 or Lower Decker Spring.

This right is a split from former right 37-791D.



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

August 25, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

LAURENCE SMITH ESTATE
C/O TED TALBOTT
917 JUSTICE GRADE
HAGERMAN ID 83332

RE: SRBA Claim(s) 37-20490

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,


Trish Fawcett
Technical Records Specialist

Enclosure



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

JAMES E. RISCH
Governor

KARL J. DREHER
Director

August 3, 2006

LAURENCE SMITH ESTATE
C/O TED TALBOTT
917 JUSTICE GRADE
HAGERMAN ID 83332

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim No #37-20490
Appointment of Conservator

Dear Claimant:

Thank you for notifying us of the change on the water right claim referenced above. Our record has been updated accordingly.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Carrie Hahn'.

Carrie Hahn
Clerk

SCANNED

Aug 1 2006

GOODING
205 JUN 15 10 10
Craig D. Hobdey
HOBDEY & HOBDEY
Attorney at Law
125 Fifth Avenue West
P.O. Box 176
Gooding, Idaho 83330
Telephone (208) 934-4429
Facsimile (208) 934-4420

RECEIVED
AUG 03 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO }
COUNTY OF GOODING } ss.

I hereby certify that the foregoing is a true copy
of the original instrument on file in my office.

Dated 6-15-2005
HELEN P. EDWARDS
District Court Clerk

By *[Signature]*
Deputy Clerk

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

In the Matter of the Guardianship and)
Conservatorship of:)
LAURENCE SMITH,)
An Incapacitated Person.)

Case No: CV-1994-0020033

LETTERS OF CONSERVATORSHIP

This Court having determined that LAURENCE SMITH, is in need of assistance for the protection of his estate and having found that TED TALBOTT, is an appropriate person to serve in such capacity, said TED TALBOTT is hereby appointed Conservator of the estate of LAURENCE SMITH, without restriction, except as may be modified by future order of this Court. Said TED TALBOTT, may deal with, manage and otherwise control or dispose of the property and assets of LAURENCE SMITH as he deems to be in the best interest of LAURENCE SMITH, limited only by the laws of the State of Idaho.

These Letters shall remain in full force and effect until modified, expanded, or revoked by order of this Court.

WITNESS:

Magistrate of the above entitled Court, with the seal thereof affixed this 15 day of June 2005.

SCANNED
Aug 15 2006

CASEY ROBINSON
MAGISTRATE JUDGE

Casey Robinson
Magistrate Judge

OATH OF CONSERVATOR

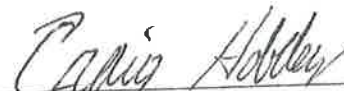
STATE OF IDAHO)
) SS.
County of Gooding)

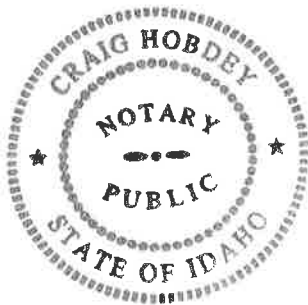
TED TALBOTT hereby accepts the duties of Conservator of the estate of LAURENCE SMITH, and does solemnly swear that he will perform, according to law, the duties herein prescribed upon him.


Ted Talbott

STATE OF IDAHO)
) SS.
County of Gooding)

SUBSCRIBED AND SWORN to before me this 15 day of June, 2005.


NOTARY PUBLIC FOR IDAHO
Residing at: Gooding
Commission Expires: 10-24-06



SCANNED
Aug 14 2008

File with
37-00791 A
B
C
D
E

37-20490
37-20491

V. HANCOCK

9-29-2000

DECREEED RIGHT 37-791

A SHALLOW ANALYSIS DONE IN PREPARATION FOR MEETING WITH CLAIMANT J. TED TALBOT re: CLAIM 37-791A

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2 cfs

POU = SWNE, NWSE & NESW (LOT 2), SEC 21, T06S, R13E - 135 ac more or less

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Note that the Decree did not indicate if all uses and users from the springs were included in the decree, and all rights were given the same priority date.

Adjudication Claims filed and based upon 37-791:

- 791A 0.34 cfs on 11.0 ac
- 791B 0.36 18.2 ac
- 791C 0.18 6.3 ac
- 791D 0.90 30.0 ac
- 791E 0.11 5.0 ac
- 1.89 cfs 70.5 ac**

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In 1921, a permit to appropriate water for use on 101 acres, in the same location and from the same source, was applied for and protested by other decree holders. A license was subsequently issued for 1.06 cfs for use on 53 acres. A more thorough investigation, using readable copies of documents from the file, will have to be conducted before it can be determined if this was intended to be additional water licensed to the property, if the license superceded the decree, or if it somehow evidences water use on the property circa 1921, etc.

Licensed Water Right 37-2411- Priority date 7-18-1921 - Issued 2-1922

1.06 cfs

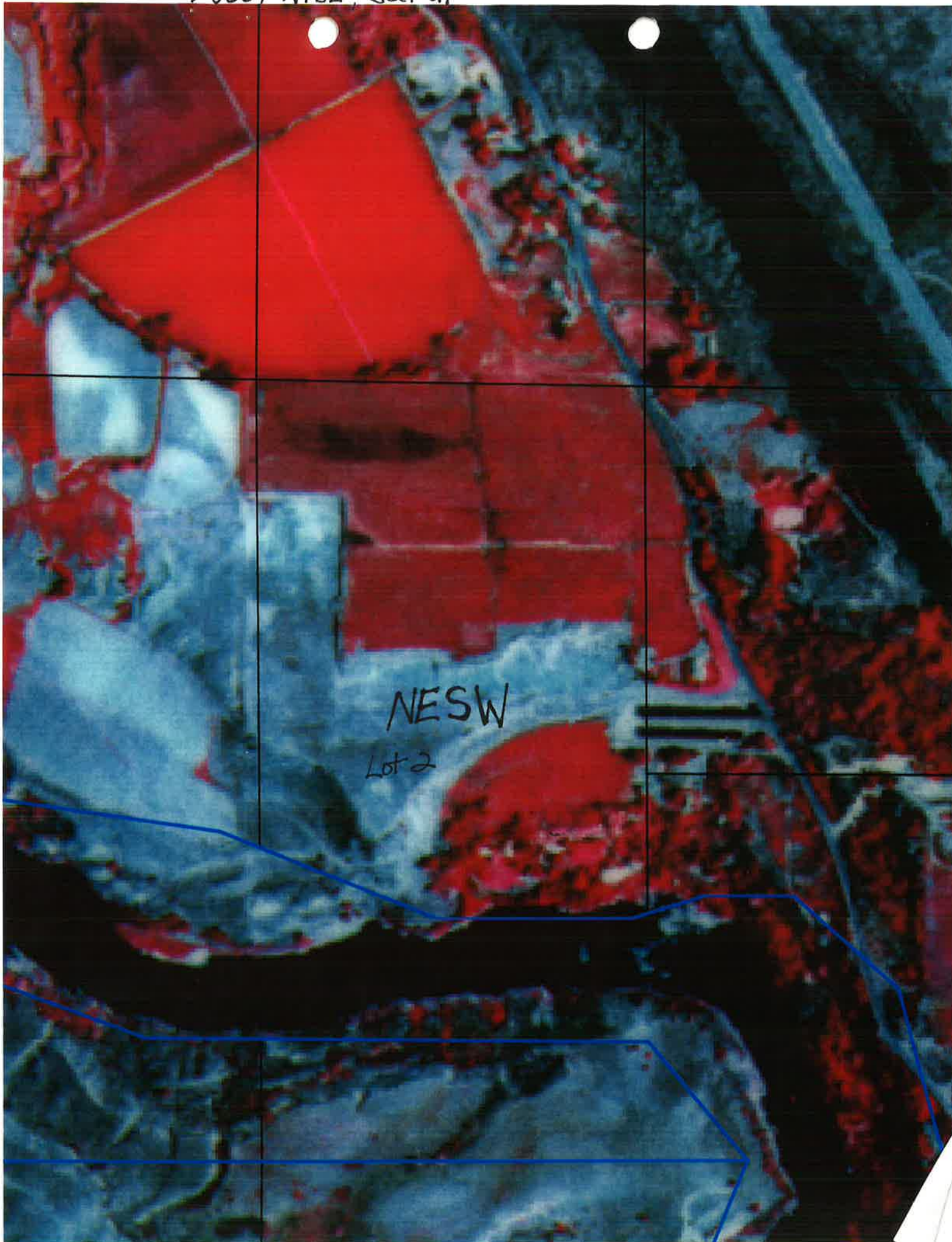
POU = SWNW 5ac, NWSE 4ac, NESW (LOT 2) 44ac = 53 acres

Source - Two unnamed springs tributary to Snake River

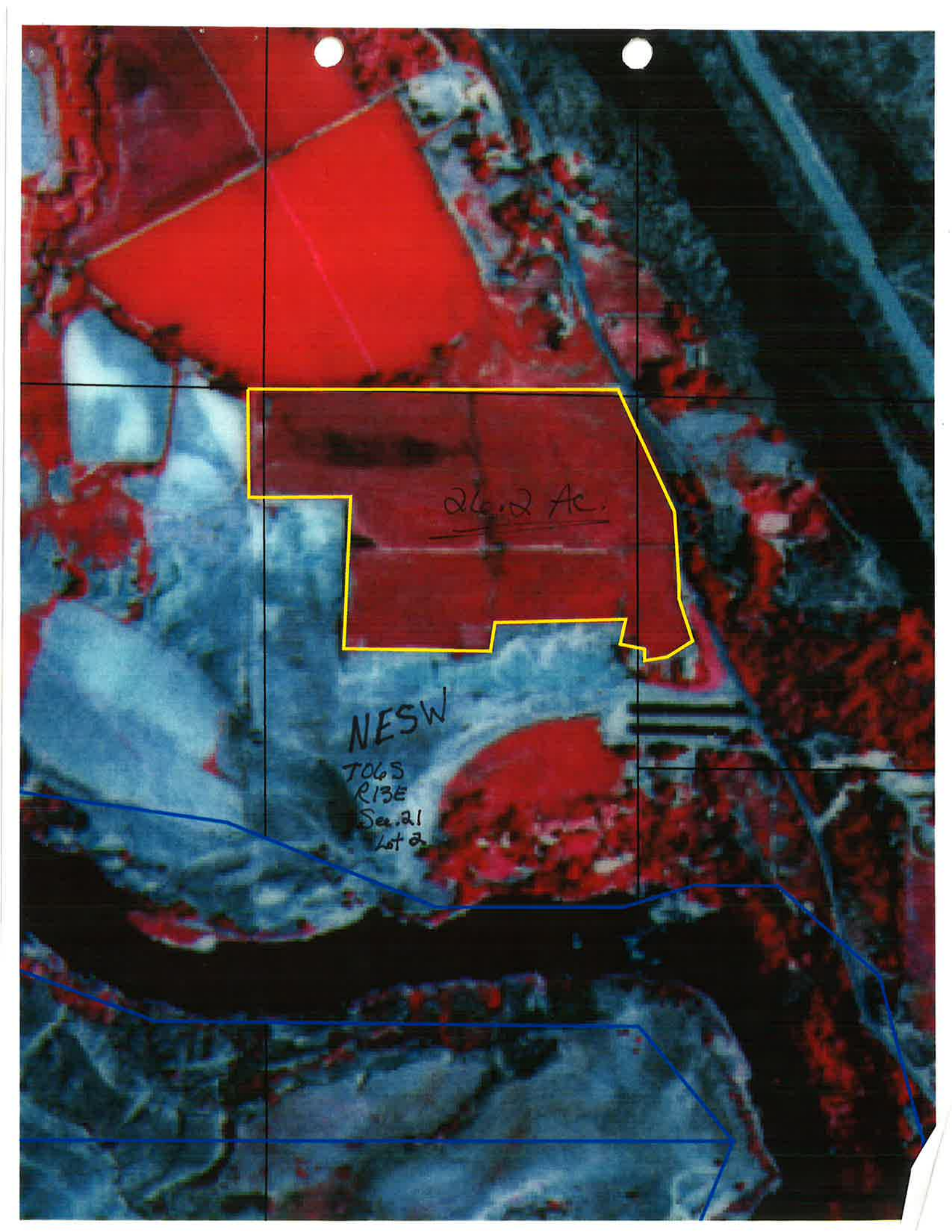
Adjudication Claims

- 37-02411 1.06 cfs 5.0 ac
- 37-02411A .05 2.5 ac
- 1.11 cfs 7.5 ac**

T06S, R13E, Sec. 21



NESW
Lot 2

An aerial photograph of a landscape, likely agricultural or undeveloped land. A large, irregular area in the upper-middle portion of the image is shaded in a solid red color. This red-shaded area is outlined by a thin yellow line. To the right of the red-shaded area, there is handwritten text. Below the red-shaded area, there is more handwritten text. A blue line runs horizontally across the lower portion of the image, possibly indicating a boundary or a road. The background of the photograph shows various textures and colors, including shades of brown, tan, and green, suggesting different types of vegetation or land use.

26.2 Ac.

NESW

T06S
R13E
Sec. 21
Lot 2