

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 37-20629
Date Received: 3/5/2002
Receipt No:
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: 06/01/1959

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 NE	BLAINE	

5. Description of diverting works:

Artesian well to pond to ditch system.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.48	

7. Total Quantity Appropriated is:
0.48 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	18
			NE	NE	IRRIGATION	3
			NE	SE	IRRIGATION	3
					Section Acres	24
					Total Acres	24

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:

37-4159 is used in combination for a total combined irrigation of 40 acres.

15. Basis of Claim: Beneficial Use



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

CHANGE IN ADDRESS

RECEIVED

JUL 18 2003

Department of Water Resources
Southern Region

☐ Water Right Number(s):

37-2386 B 37-20629
37-2552
37-4159

☐ Old Mailing Address:

Box 732
Bellevue, ID
83313

☐ New Mailing Address:

17926 Hwy 20
Bellevue, ID,
83313

☐ New Telephone Number:

(208) 888-2676 (Same)

☐ Signature of Claimant(s):

7/10/03

Date:

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:

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 37-20629
Date Received: 3/5/2002
Receipt No: 5024630
Received By: KKC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GEOFFERY C SMITH Phone: (208)788-2676
PO BOX 732
BELLEVUE ID USA 83313

2. Date of Priority: 06/01/1959

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 NE	BLAINE	

5. Description of diverting works:

Artesian well to pond to ditch system.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.48	

7. Total Quantity Appropriated is:
0.48 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	18
			NE NE	IRRIGATION	3
			NE SE	IRRIGATION	3

Section Acres	24
Total Acres	24

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:

37-4159 is used in combination for a total combined irrigation of 40 acres.

15. Basis of Claim:

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER

Ident. Number _____

Date Received _____

Receipt Number _____

Tricia
@ Pat Brown's
office
644-1967

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

JAN 11 2002

Department of Water Resources
Southern Region

Please type or print clearly

1. Name of Claimant (s) Geoffery C. Smith Phone (208) 788-2676Mailing Address P.O. Box 732, Bellevue, ID Zip 833132. Date of Priority (Only one (1) per claim) 6-1-593. Source of water supply (a) groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 15 Range 18E Section 13, 3-5-02
SE 1/4 of NE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of BlaineAdditional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Artesian well to pond to ditch system.

Per Tricia
at Pat Brown's
KKC office
(info received
through a phone
conversation)

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/1 to 11/1 amount .48 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .48 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>KKE</u> <u>15</u>	<u>18E</u>	<u>13</u>	<u>3</u>			<u>18</u>									<u>3</u>				<u>24</u>
<u>Per Tricia</u> <u>at Pat Brown's</u> <u>office 3-5-02</u> <u>(info received through a phone conversation)</u>																			

Total number of acres irrigated 24

11. In which county (ies) are lands listed above as place of use located? Blaine

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

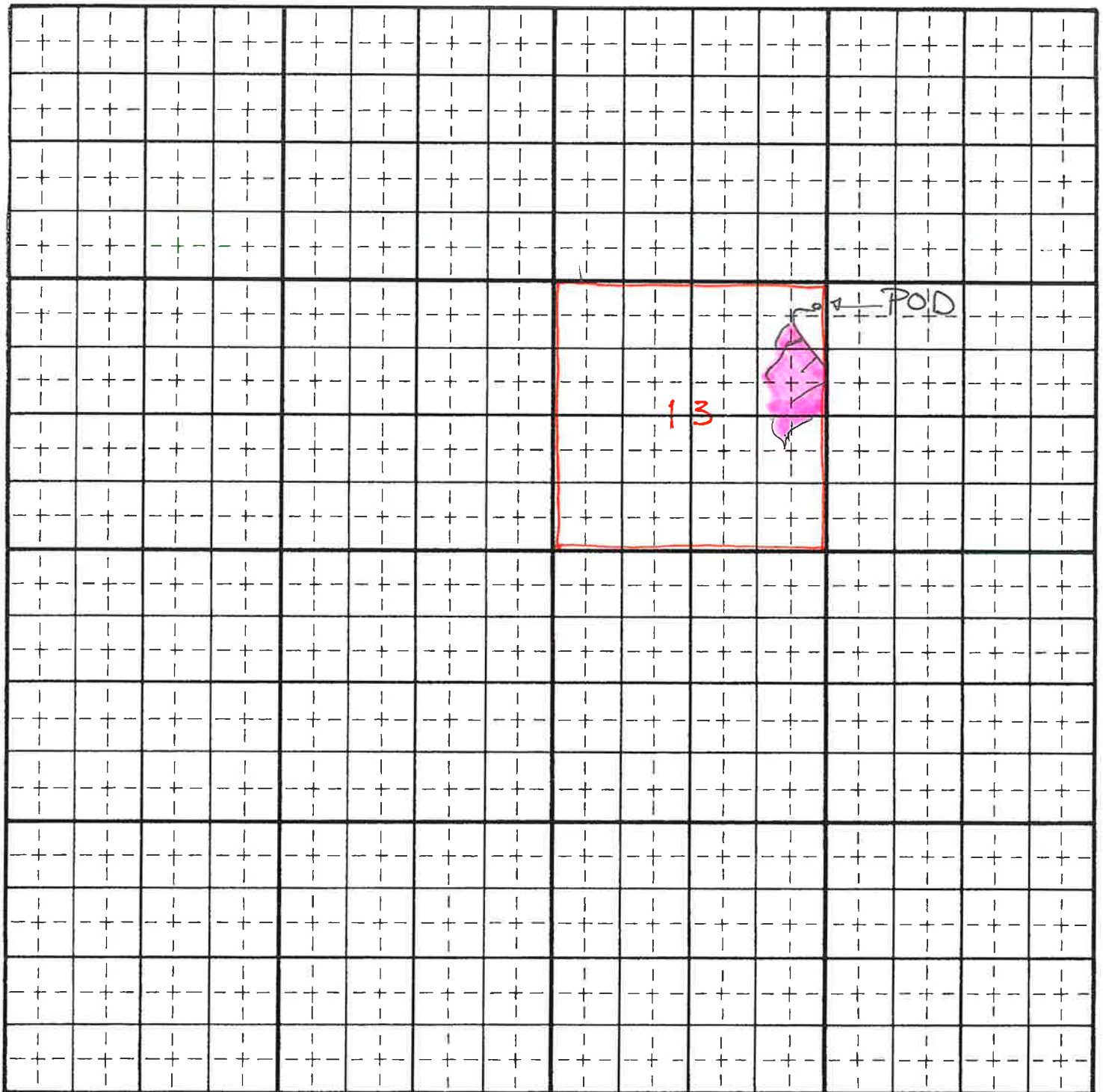
13. Describe any other water rights used at the same place and for the same purposes as described above.
37-04159 is used in combination for total combined irrigation of 40 acres or None ()

14. Remarks:

Last Name Smith Ident No. _____

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name Smith Ident No. _____

Jan 10 02 11:39*

RICK D. BROWN

200 44-1970

p.1

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____

Date 1/10/02

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____ Organization _____ that I have signed the foregoing
document in the space below as _____ Title _____ of _____ Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

* State of Idaho/or _____ }
County of Blaine } SS.

Subscribed and sworn (or affirmed) before me this

10th

day of

January2002

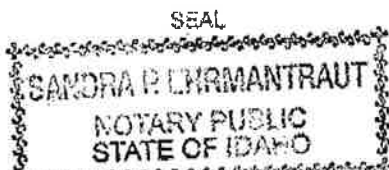
Notary Public

Residing at

My Commission Expires

4-7-06

Please Print Name



17. Notice of Appearance:

Notice is hereby given that I, Patrick D. Brown, P.C. will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address Patrick D. Brown, P.C. 109 South Adams, Jerome, ID 83338

Date

1/10/02Last Name Smith Ident. Number _____



NEKE

SEC
13

SE 13

SECTION
13

NE SE

NE SE

RECEIVED

FEB 27 2002

Department of Water Resources
Southern Region

Form No. 42-1409 (2) a 1/88 (Internet)

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 _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Geoffery C. Smith Phone (208) 788-2676

Mailing Address P.O. Box 732, Bellevue, ID Zip 83313

2. Date of Priority (Only one (1) per claim) 6-1-59

3. Source of water supply (a) groundwater
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 15 Range 18E Section 13

SE 1/4 of NE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Blaine

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Artesian well to pond to ditch system.

*Patricia @ Pat.
Brown's office
KKE 3-5-02
(info received
through a phone
conversation)*

6. Water is claimed for the following purposes: (both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 4/1 to 11/1 amount .48 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .48 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.)

10. Description of place of use;

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
01 ¹⁵ /S	18E	13	3			18									3				24
<i>Tricia at Brown's office KRC 3-5-02 info received through a phone conversation)</i>																			

Total number of acres irrigated 24

11. In which county (ies) are lands listed above as place of use located? Blaine

12. Do you own the property listed above as place of use? Yes X No

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

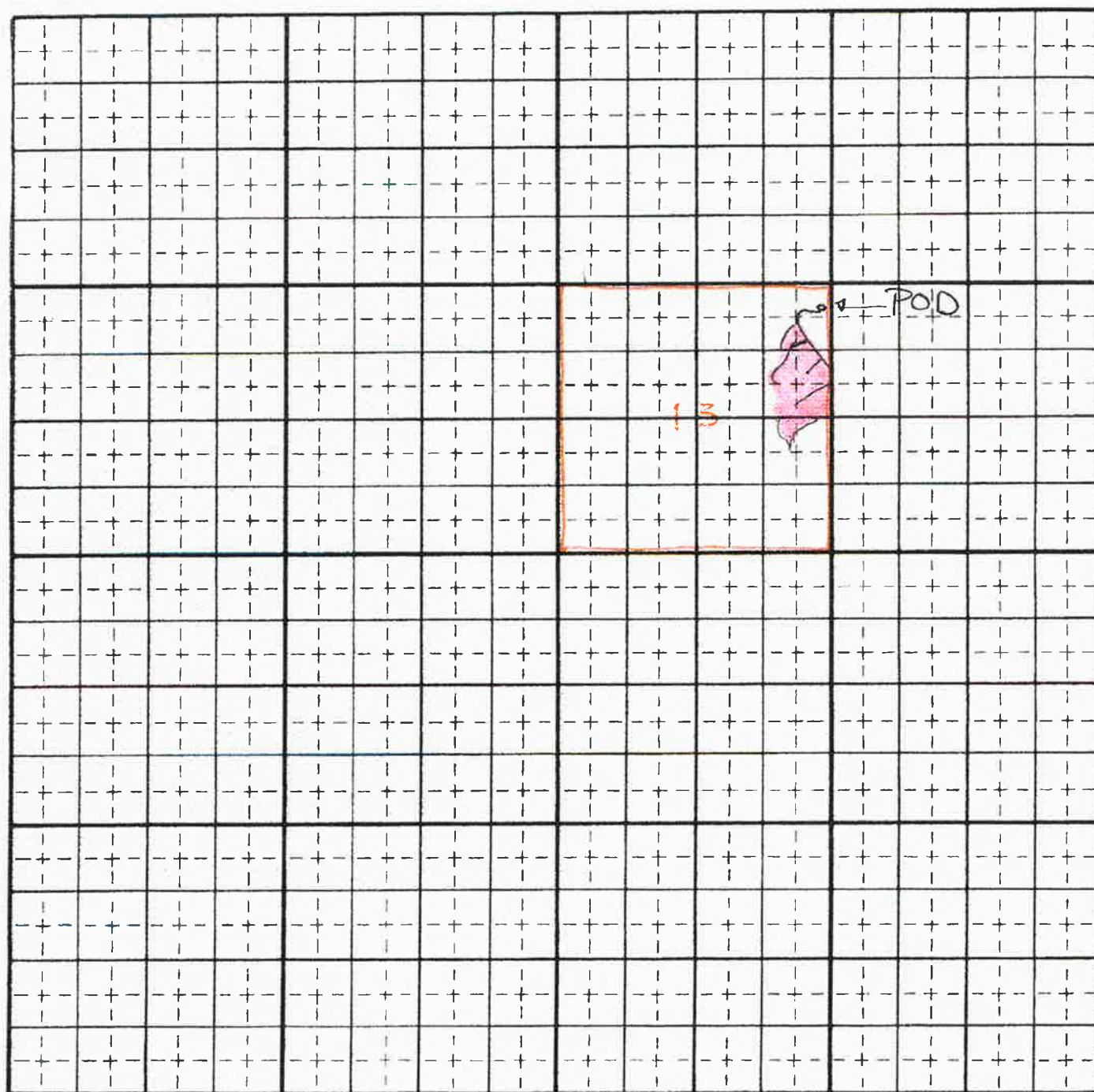
37-04159 is used in combination for total combined irrigation of 40 acres or None ()

14. Remarks:

Last Name Smith Ident No. _____

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name Smith Ident No. _____

FEB 22 2002

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs 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 ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____

Date 1/18/02

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____

Organization _____

that I have signed the foregoing

document in the space below as _____

Title _____

of _____

Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

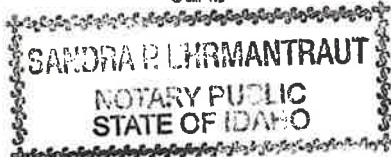
State of Idaho/or _____

County of Blaine

SS.

Subscribed and sworn (or affirmed) before me this 10th day of January, 2002

SEAL

Notary Public Sandra P. LhrmantrautResiding at BlaineMy Commission Expires 4-7-06

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Patrick D. Brown, P.C. will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [Signature]Address Patrick D. Brown, P.C. 109 South Adams, Jerome, ID 83338Date 2/22/02Last Name Smith

Ident. Number _____

436-9383
20-3449



11/12/2006

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

RIGHT NUMBER: 37-20629

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.340 CFS
59.500 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	0.340 CFS 59.50 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 17 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

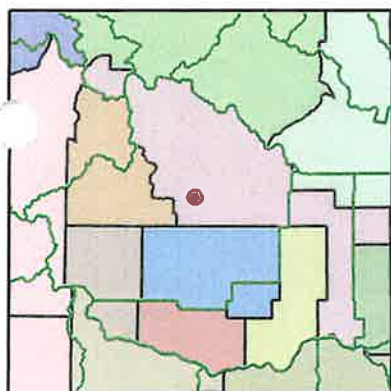
SRBA Recommendation:

37-4159 & 37-20629

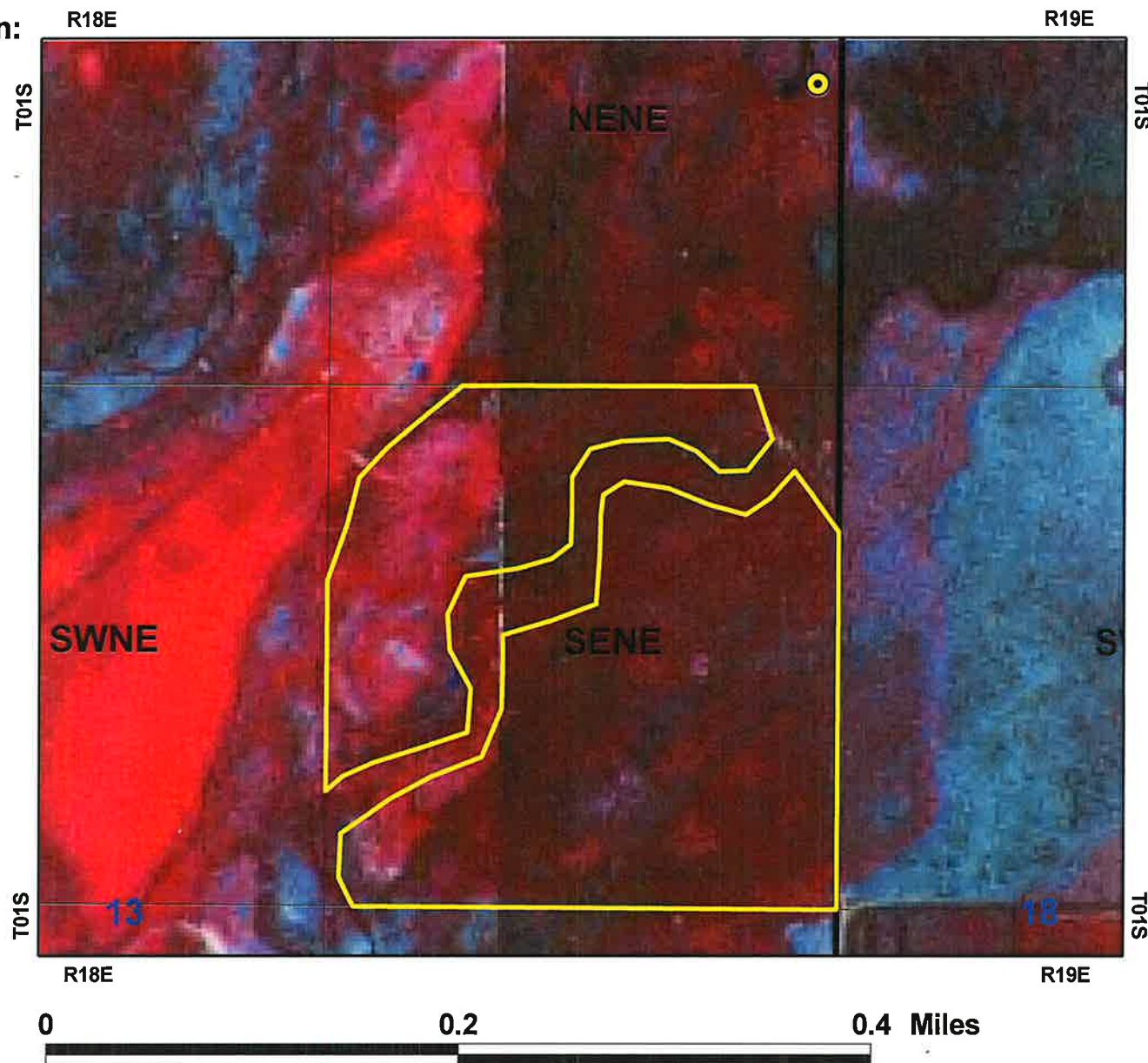
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.2 0.4 Miles

Owner: Geoffrey C Smith

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

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

**WELL LOG AND REPORT TO THE
STATE RECLAMATION ENGINEER OF IDAHO**

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

(DO NOT FILL IN)

Owner Henry Wurst Address Gannett
 Driller Eugene Walker Address Twin 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 - 155
 (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 Crown

CASING RECORD

DIAM. CASING	FROM FEET	TO FEET	LENGTH	"REMARKS" -- SEALS, GROUTING, ETC.
8	0	155	155	

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	136	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

License No. 15

Dated

1 Oct

19 59



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

RESPONSE DEADLINE
JUNE 17, 2005

Re: Evidence of Priority

Dear Claimant:

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-20629

WATER RIGHT NUMBER: 37-20629

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GEOFFERY C SMITH PO BOX 732 BELLEVUE, ID 83313 (208)788-2676

Priority Date: 06/01/1959
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.480 CFS	
	<u>Total Diversion:</u>	0.480 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4NE1/4	Sec. 13, Twp 01S, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
01S	18E	13	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			3.0			18.0									3.0				24.0

Total Acres: 24

Conditions of Approval:Remarks:

- General 37-4159 is used in combination for a total combined irrigation of 40 acres.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-20629

Dates and Other Information:

Claim Received Date: 3/5/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

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.



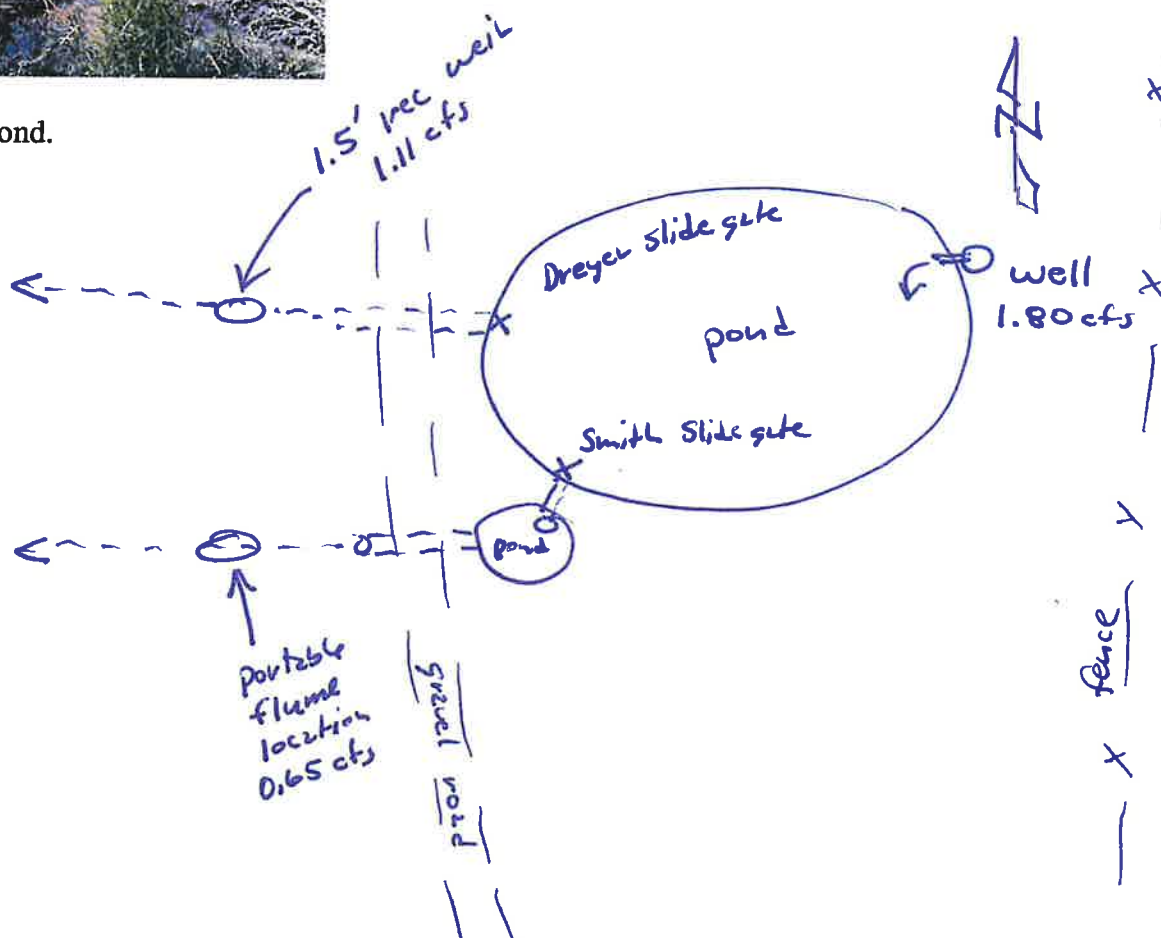
Dreyer Diversion: We measured the Dreyer Diversion from the well using the installed 1.5 foot contracted rectangular weir installed below the pond on a ditch flowing west from the pond which eventually flows into Willow Creek and down to the Dreyer property. We found 1.11 cfs at this diversion.



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.

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.

JAN 25 2002 4:56 PM FR B...KERRSHOLT&SIMPSON44 6034 10 2002

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

423
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: KL 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	1/24	# 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

JAN 25 2002 4:55 PM FR B

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., 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

JAN 25 2002 4:57 PM FR

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0004

1000000000

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.

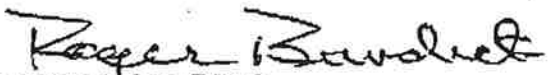
7. The parties shall cooperate in filing documents and seeking judicial and administrative approval for interim regulation of the claims consistent with the *Stipulation* pending their investigation, recommendation, and determination in the SRBA.
8. Any water from the artesian well and collector pond 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.

JAN 25 2002 4:57 PM FR

IT IS SO ORDERED.

DATED 1-28-02


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

Patrick D. Brown, ISB # 4413
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Attorney at Law
109 S. Adams Street
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Attorney for Geoffrey C. Smith

Norman M. Semanko, ISB # 4761
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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.

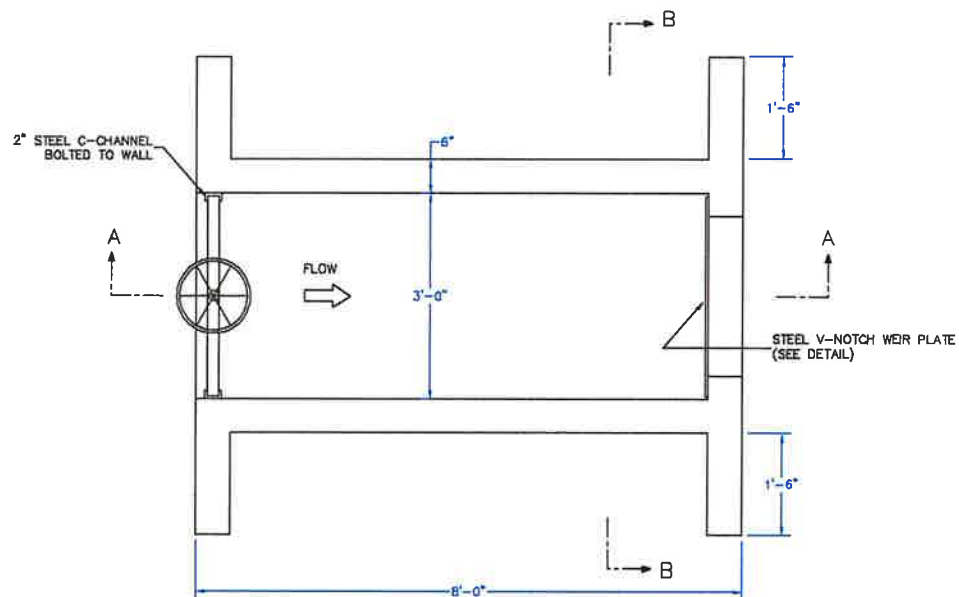
-- Norm

>Delivered-To: iwua.org-norm@iwua.org
 >From: "Charles G. Brockway" <cbrock4@mindspring.com>
 >To: "Patrick Brown" <patbrown@ltlink.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, p.H.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"

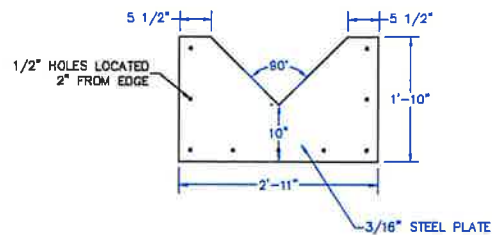
PLAN VIEW



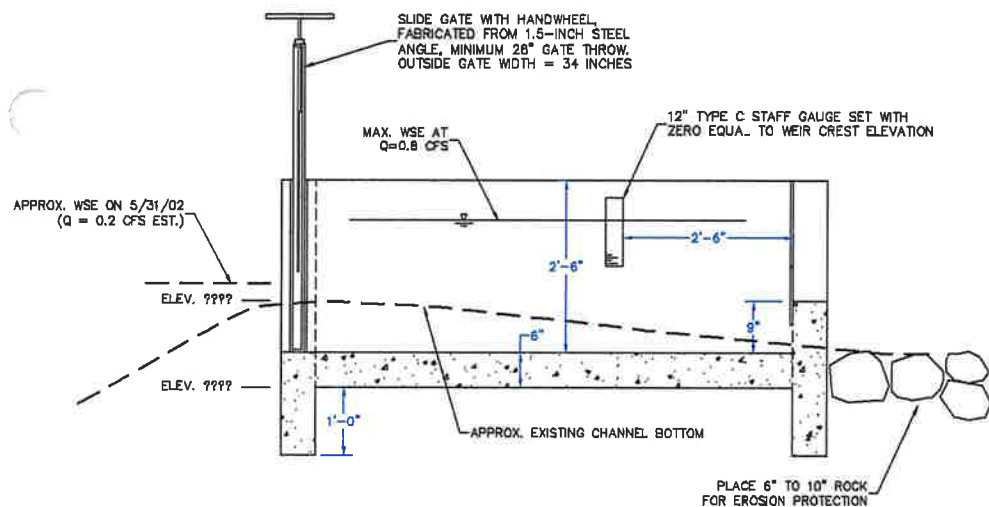
NOTES:

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 QSR-5FY 30X30 STEEL SLIDE GATE.

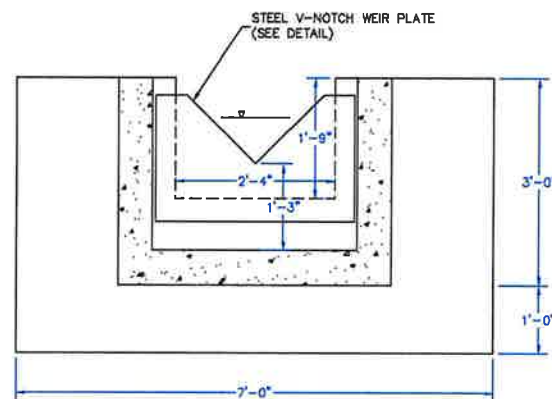
WEIR PLATE DETAIL



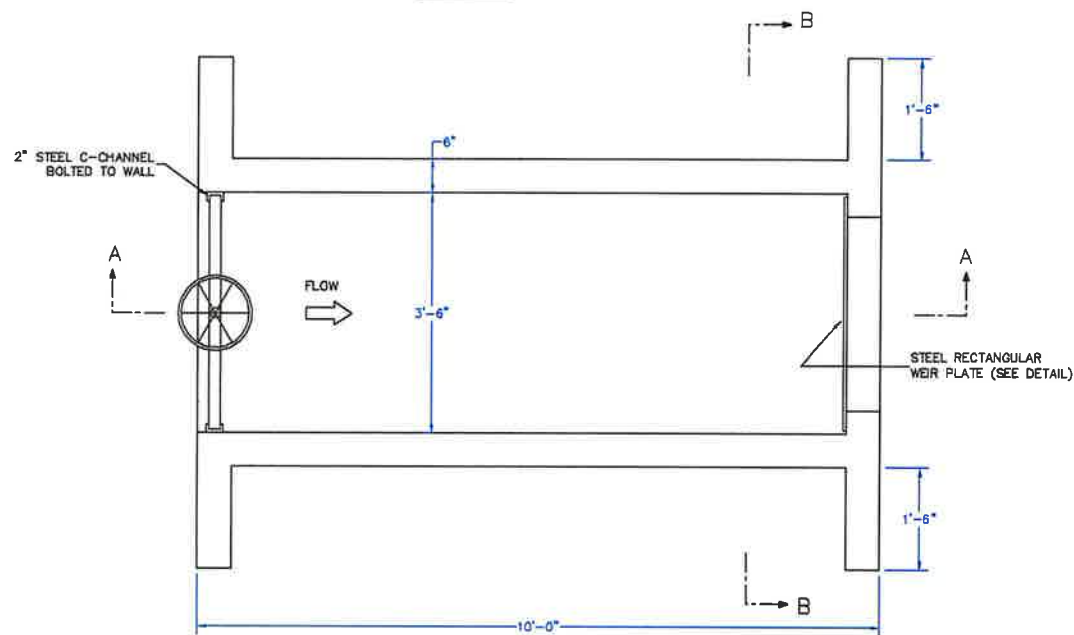
SECTION A-A



SECTION B-B



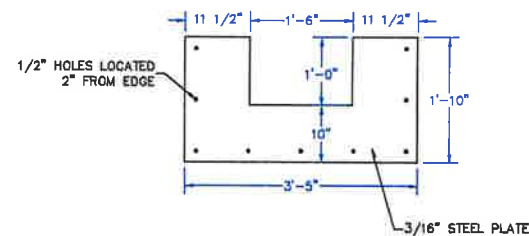
PLAN VIEW



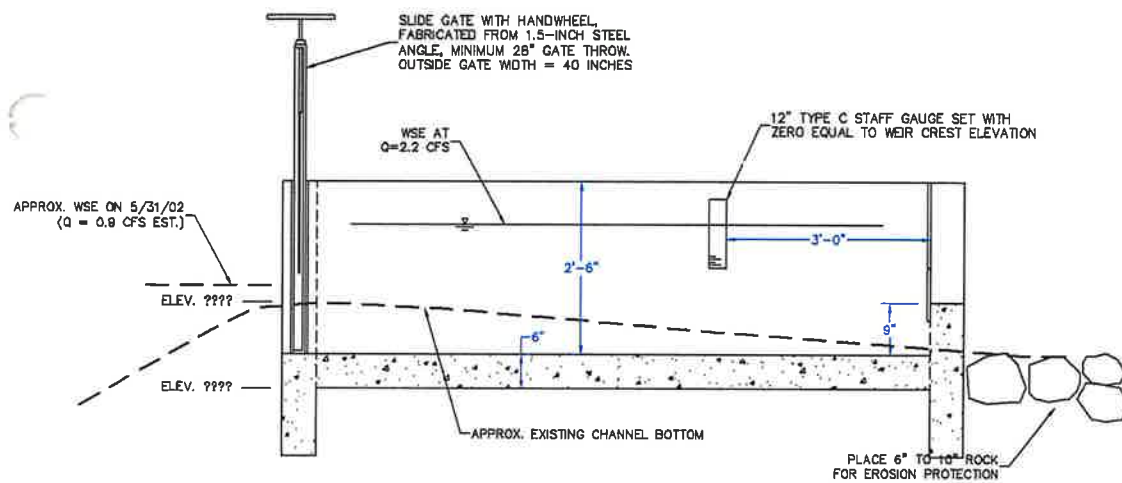
NOTES:

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 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 PLATE 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 QSR-5FY 30X30 STEEL SLIDE GATE.

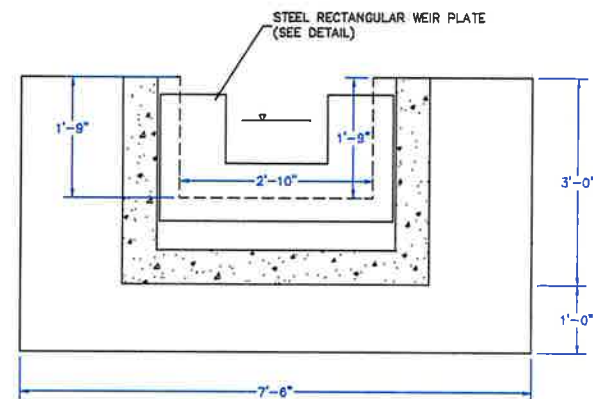
WEIR PLATE DETAIL

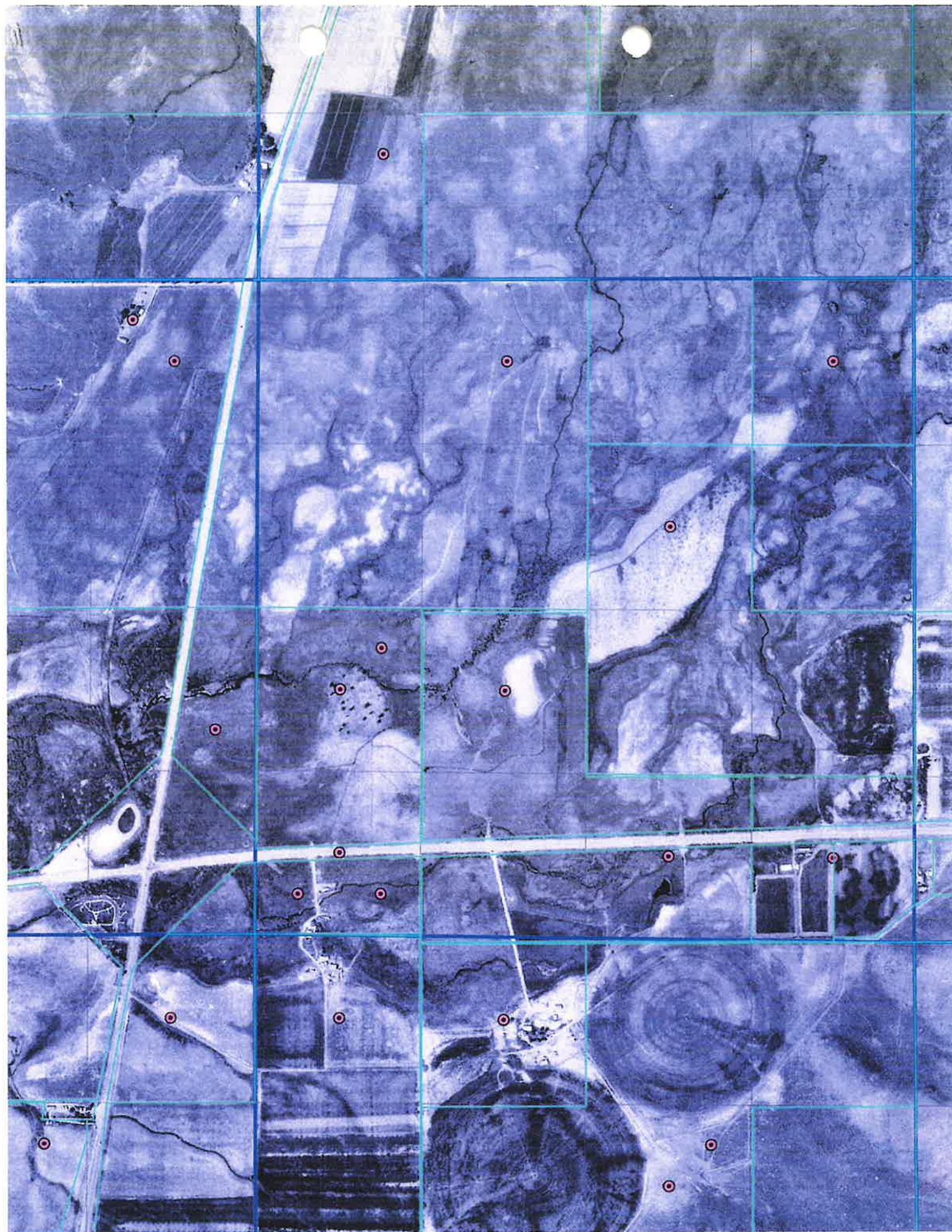


SECTION A-A



SECTION B-B





Idaho Dept of Water Resources
Claims review notes and narrative

Date: 3-5-2002

File: 37-20629 Smith

Prepared by Kelly K Christensen

The claim was initially delivered to the department on 1-11-2002. When I went to data enter the claim I noticed that the claim was a fax copy and did not include the claimant's original signature. It did have a notice of appearance with Pat Brown's original signature on the faxed copy. I notified Tricia at Pat's office and she indicated that the original signed claim was in the mail and that it should be in in a couple of days. The original signed document was delivered to the department at the end of Febuary. On the 29th I started to data enter the claim once more but then noted that the township, range and section was missing for the point of diversion. I called Tricia and discussed this with her and she indicated that she would have to get back to me after she talked to Pat Brown. On 3-5-2002 she called in with the township, range and section for the point of diversion and also noted that the township for the place of use was data entered as 015 rather than 01S. I entered the information on the claims and then data entered the claim.

One other problem exists and that is that two different tracts were entered for the 10 acre tract for the point of diversion. I pointed that out to Tricia and she said that she would check with Pat to clarify the location(s) for the POD. After reviewing the map I entered the NE tract.