

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 37-21187
Date Received: 12/22/2003
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

KATHERINE T SMITH Phone:
79720 ROCK CREEK RD
WAMIC OR 97063

GREGORY C SMITH Phone:
79720 ROCK CREEK RD
WAMIC OR 97063

2. Date of Priority: 04/18/1906

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

4. Point of Diversion:

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

5. Description of diverting works:

HEADGATE, PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.13	

7. Total Quantity Appropriated is:
0.13 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
01N	14E	9	SW	SE	IRRIGATION	2.3
					Section Acres	2.3
01N	14E	16	NE	NW	IRRIGATION	5
			NW	NE	IRRIGATION	1
					Section Acres	6
					Total Acres	8.3

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:

14. Remarks:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-2041D.

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

SEE TRANS.

OWNERSHIP CHANGE MADE 5/23/96 BY TLB.

* 7-31-98: OWNERSHIP CHANGE RESULTED IN A SPLIT. SMITH RETAINS .32 CFS ON 2.25 ACRES IN SECTION 9 AND 18 ACRES IN SECTION 16.

STILWILL RECD PORTION "E" WITH 2.75 AC IN SECTION 9 PER DEED RECD 2-10-98 - VH

15. Basis of Claim: License

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
DEC 10 1999
Department of Water Resources
Southern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): A37-02041D
Adjudication Claim No(s): AJ 5809NP
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 - AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant: Gregory C. Smith, Katherine T. Smith
Rock Creek Rd, WAMIC, OR 97063
4. New Owner/Claimant(s): John Thomas Nickel
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address: P.O. Box 1546
City, State and ZIP Code: KETCHUM ID 83340
New Telephone Number: (208) 726-3505
5. Date you acquired the property: Sept 4, 1996
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate 12 Number and type of stock _____
Diversion rate in CFS .24 Number of homes - Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s): John Thomas Nickel
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..



WARRANTY DEED

For Value Received GREGORY C. SMITH and KATHERINE T. SMITH, husband and wife

the Grantor hereby grants, bargains, sells, conveys and warrants unto JOHN THOMAS NICKEL, an unmarried man

the Grantee whose current address is: P.O. BOX 1546, KETCHUM, ID 83340

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE
INCORPORATED HEREIN.

70412

Recorded at the Request of
Blaine Co. Title
at 1:30 P. M.
Sept. 4, 1996
In Book 30
of Deeds Page 59
ROLIE BENNETT
CAMAS COUNTY RECORDER
By Gayle P. Stettin
Fees \$ 6.00

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 29, 1996

GREGORY C. SMITH

KATHERINE T. SMITH

State of IDAHO

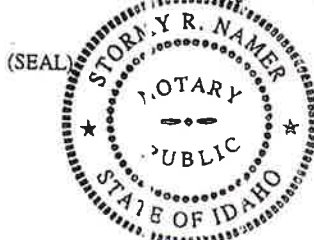
County of BLAINE

ss.

On this 30th day of August, 1996, before me, the undersigned, a Notary Public, in and for said State, personally appeared GREGORY C. SMITH AND KATHERINE T. SMITH

, 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 they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.



Notary Public
Residing at: HAILEY
Commission Expires: April 29, 2002

"ATTACHED EXHIBIT A"

LEGAL DESCRIPTION

A parcel of land located in the NE1/4NW1/4 and NW1/4NE1/4, Section 16, Township 1, North, Range 14, East Boise Meridian, is described as follows:

Beginning at the SW Corner of the Smoky dome Ranch, a Subdivision as recorded in the Camas County Recorder's Office, being the REAL POINT OF BEGINNING, said point lies on the Northerly boundary of said Section 16, and lies 89°44'53" East 111.99 feet from the 1/4 Corner Common to Sections 9 and 16,

thence S00°17'39"W 279.12 feet to a point,

thence S74°30'00"E 538.56 feet to a point,
542.75

thence S00°00'00"E 144.4 feet to a point,
102.79

thence N89°44'53"E 660. feet to a point on the East boundary of Section 16,

thence N00°07'33"E along the East boundary of said Section 16, a distance of 553.54 feet to more or less to the northwest corner of said Section 16;

thence N89°27'55"W 1178.8 feet to the REAL POINT OF BEGINNING, containing 12.61 acres, more or less.

AJ5809NP
No. A37-020419

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/29/99
PAGE: 1

OWNER COUNT	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GREGORY C SMITH	04/18/1906	IRRIGATION	04-15 10-15	0.320 CFS	
C	KATHERINE T SMITH 20720 ROCK CREEK PK HUNTER CO ID 83647					
TOTAL DIVERSION:					0.320 CFS	

Water Source: SAMPSON CREEK

Tributary to: SOLDIER CREEK

Stage: LICENSE

Point(s) of Diversion: T01N R14E S09 NESE NWSE CAMAS County

Place of Use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
T	R S	NESE	NWSE	SWSE	SESE	NESE	NWSE	SWSE	SESE	NESE	NWSE	SWSE	SESE		SUM			
		Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac					
01N	14E 9												02		2.3			
01N	14E 16		13			05									18.0			
TOTAL ACRES															20.3			

POU County: CAMAS

Non-Irrigation Uses: NONE

Other Rights: A37-006788, A37-006808

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 37C.
- R01 - A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
- R02 - A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Remarks: GEN SEE TRANS.

OWNERSHIP CHANGE MADE 5/23/96 BY TLD.

7-31-98: OWNERSHIP CHANGE RESULTED IN A SPLIT. SMITH RETAINS .32

CFS ON 2.25 ACRES IN SECTION 9 AND 18 ACRES IN SECTION 16.

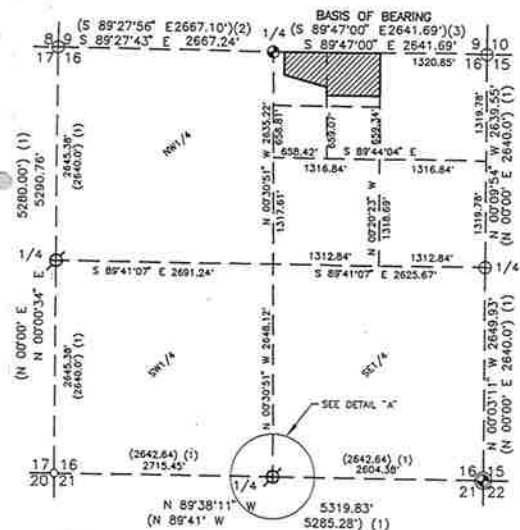
STILLWILL REC'D PORTION "E" WITH 2.75 AC IN SECTION 9 PER DEED

REC'D 2-10-98 - VH

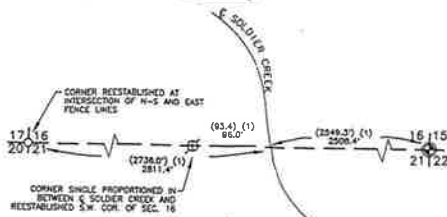
Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 37C Field Inspection Flag: Presumption Flag:

Audit: 08/04/98 VHANCOCK



SECTION BREAKDOWN DIAGRAM
SCALE 1"=1000'



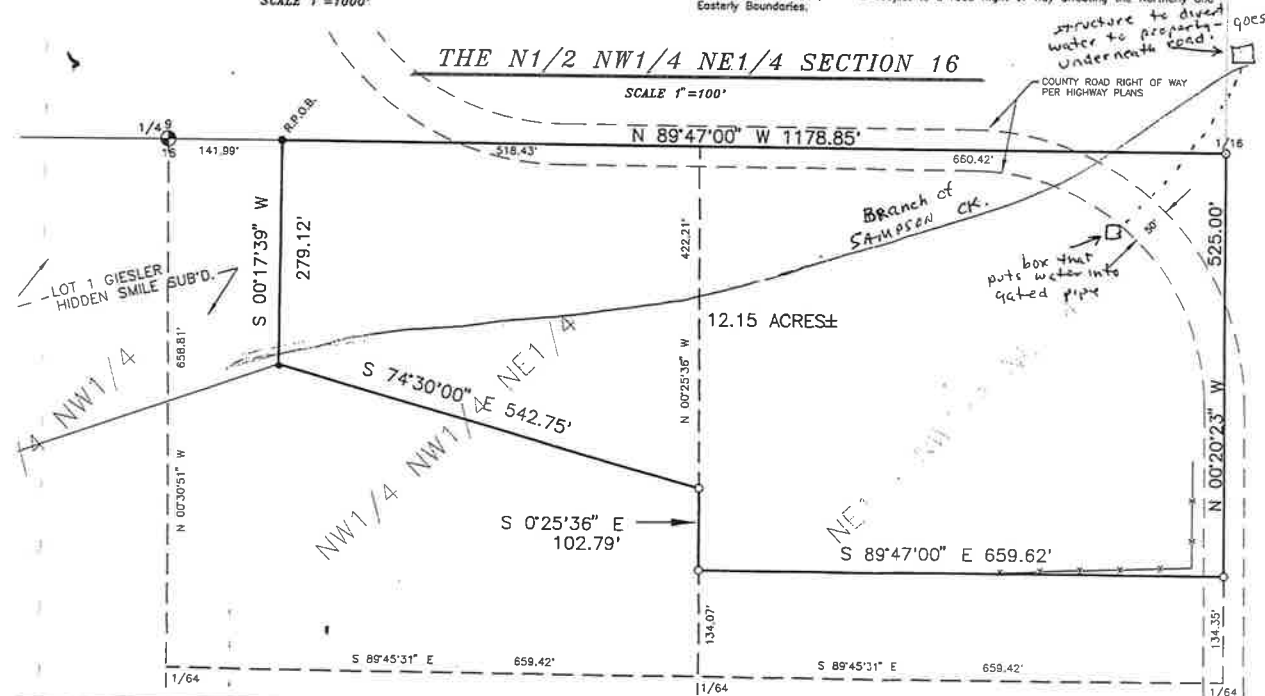
DETAIL "A"
NOT TO SCALE

LEGAL DESCRIPTION

A parcel of land located in the NW1/4 NE1/4 of Section 16, Township 1 North, Range 14 East, Boise Meridian, Camas County, Idaho, more particularly described as follows:
Commencing at the N1/4 of said Section 16;
thence S 89°47'00" E along the North Boundary of said Section 16, 141.99 feet to the REAL POINT OF BEGINNING;
thence S 0°17'39" W 279.12 feet along the easterly boundary of Lot 1, Giesler's Hidden Smile Subdivision;
thence leaving said easterly boundary S 74°30'00" E 542.75 feet or less to a point on the westerly boundary of the NE1/4 NW1/4 of said Section 16;
thence S 0°25'36" E along said westerly boundary 102.79 feet more or less;
thence S 89°47'00" E along a line which lies 525 feet southerly of and parallel to the northerly boundary of the NE1/4 of said Section 16, 659.62 feet more or less to a point on the east boundary of the NW1/4 NE1/4 of said Section 16;
thence N 0°20'23" W along the east boundary of the NW1/4 NE1/4 of said Section 16, 525.00 feet more or less to the NE Corner of the NW1/4 NE1/4 of said Section 16;
thence N 89°47'00" W along the northerly boundary of the NE1/4 of said Section 16 1178.85 feet to the REAL POINT OF BEGINNING; said Parcel contains 12.15 acres more or less.
The above described parcel is subject to a road Right of Way affecting the Northerly and Easterly Boundaries.

THE N1/2 NW1/4 NE1/4 SECTION 16

SCALE 1"=700'



LEGEND

- property boundary
- ⊙ found USGS brass cap B.M., 1/4 corner
- ⊙ found IDT brass cap in street well
- ⊕ found aluminum cap LS 907
- ⊕ set aluminum cap LS 907
- set 5/8" rebar LS 907
- () (1) record data per G.L.O.
- () (2) record data per Giesler Hidden Smile Sub'd.
- () (3) record data per Smokey Dome Ranch
- found 5/8" rebar
- found 1/2" rebar

NOTE

A County Road Right of Way Affects the Northerly and Easterly Boundaries of the Parcel, no record of its exact location could be found. The location of the Road Right of Way shown on this map is approximate and was determined using Highway plans, however these plans are vague in that they do not show enough dimensions to determine the location of the Right of Way.

CERTIFICATE OF SURVEYOR

I, Bruce T. Butler, a professional land surveyor in the State of Idaho do hereby state that this survey is a true and accurate map of the land surveyed under my direct supervision and that it is in accordance with the Idaho State Code and local ordinances relating to plats and surveys.

Bruce T. Butler Date

COUNTY RECORDER'S CERTIFICATE

State of Idaho County of Camas Instrument #

This is to certify that the foregoing survey was filed in the Office of the Recorder of Camas County, Idaho, on this day of 19 at the hour of o'clock M., and duly recorded in the Record of Survey Book No. of Page

Ex-officio Recorder

RECORD OF SURVEY

For
TOM NICKEL
Located in
Section 16, T. 1 N., R. 14 E., B.M.
Camas County, Idaho



SAWTOOTH ENGINEERING
Civil Engineers and Land Surveyors

Hailey (208) 788-9060 Idaho
SCALE 1"=100' DATE 1996 DWG. NO. 97005RDS.dwg SHT. 1 OF 1

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: A37-02041D
Date Received: 10/26/1989
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: GREGORY C SMITH
Address: 79720 ROCK CREEK RD
WAMIC OR

97063

AND/OR

Name: KATHERINE T SMITH
Address: 79720 ROCK CREEK RD
WAMIC OR

97063

2. Date of Priority: APR 18, 1906

3. Source: SAMPSON CREEK

Trib. to: SOLDIER CREEK

4. Point of Diversion:

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

5. Description of diverting works:
HEADGATE, PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.320		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	14E	9	SW	SE		IRR	2.3
						Section Acres	2.3
		16	NW	NE		IRR	13.0
			NE	NW		IRR	5.0
						Section Acres	18.0
						Total Acres	20.3

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:
A37-00678B, A37-00680B

14. Remarks:

SEE TRANS.

OWNERSHIP CHANGE MADE 5/23/96 BY TLB.

7-31-98: OWNERSHIP CHANGE RESULTED IN A SPLIT. SMITH RETAINS .32
CFS ON 2.25 ACRES IN SECTION 9 AND 18 ACRES IN SECTION 16.

STILWILL REC'D PORTION "E" WITH 2.75 AC IN SECTION 9 PER DEED
REC'D 2-10-98 - VH

15. Basis of Claim: LICENSE

Water Right Number: 1955



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

August 4, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Gregory and Katherine Smith
79720 Rock Creek Rd.
Wamic, Or 97063

RE: Snake River Basin Adjudication (SRBA)
Claim Number(s): A37-02041E, A37-00678E, A37-00680E,
A37-13040
Change of Ownership Notification

Dear Claimant(s):

We have been notified that you sold a portion of the property with the above referenced Snake River Basin Adjudication claims, and our records have been changed, accordingly. **The enclosed copies are for your records**, please review these documents for accuracy in all respects. If you have any questions, please contact me at this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Vikie Hancock'.

Vikie Hancock
Water Resource Agent

**STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES**

MAR 12 1998

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Department of Water Resources

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: _____
Adjudication Claim No(s).: A37 - 13040

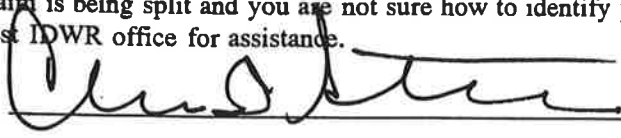
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 - AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcels of ten acres or less. (These are usually attached to your deed or on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant: GREG SMITH & KATHERINE SMITH
79720 ROCK CREEK ROAD, WAMIC OR 97063

4. New Owner/Claimant(s): CHARENCE D. AND TONA B. STEWILL
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address: PO BOX 1281 (ROUTE 1)
 City, State and ZIP Code: FAIRFIELD ID 83327
 New Telephone Number: (208) 764-2246

5. Date you acquired the property: 7/21/97

- * 6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages. *(SEE ATTACHED PAGE FOR DETAIL)
 Number of acres you irrigate _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes _____ Other uses _____
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s): 
 (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

AJ5809NP
No. A37-02041B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/13/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
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C	GREGORY C SMITH	04/18/1906	IRRIGATION	04-15 10-15	0.36 CFS	
C	KATHERINE T SMITH					
	BOX 406					
	FAIRFIELD ID 83327					
	(208) 764-2118					

TOTAL DIVERSION: 0.36 CFS
CONSUMPTIVE USE: 57.58 AFA

Water Source: SAMPSON CREEK Tributary to: SOLDIER CREEK Stage: LICENSE

Point(s) of Diversion: T01N R14E S09 NESE NWSE CAMAS County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				SUM				
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac
01N	14E	9	:																	
01N	14E	16	:	13				05												

POU County: CAMAS

Non-Irrigation Uses: NONE

Other Rights: A37-00678B, A37-00680B

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A37-02041A A37-02041C A37-13239

Other Water Rights Listing Overlapping Place(s) of Use:

A37-00220 A37-00221 A37-00678A A37-00678B A37-00678C A37-00680A A37-00680B A37-00680C A37-02041A A37-02041C
A37-13239

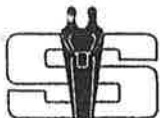
Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 37C.
- R01 - A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
- R02 - A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Remarks: GEN SEE TRANS.
OWNERSHIP CHANGE MADE 5/23/96 BY TLB.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 37C Field Inspection Flag:
Presumption Flag:



WARRANTY DEED

For Value Received GREGORY C. SMITH and KATHERINE T. SMITH, husband and wife

the Grantor hereby grants, bargains, sells, conveys and warrants unto CLARENCE D. STILWILL and TONA B. STILWILL, husband and wife

the Grantee whose current address is: P.O. BOX 283, HAILEY, ID 83333

the following described premises, to-wit:

LOTS 2, 3, AND 4 OF GIESLER HIDDEN SMILE SUBDIVISION, CAMAS COUNTY, IDAHO,
ACCORDING TO THE PLAT THEREOF, RECORDED IN THE OFFICE OF THE COUNTY RECORDER
OF SAID COUNTY.

71052
Recorded at the Request of
Blaine Co. Title
at 4:35 P.M.
July 21, 1997
In Book 30
of Deeds Page 470
ROLLIE BENNETT
CAMAS COUNTY RECORDER
By Gayle Backeell
Fees \$ 3.00

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: July 15, 1997

G. C. Smith
GREGORY C. SMITH

Katherine T. Smith
KATHERINE T. SMITH

State of OREGON

ss.

County of WASCO

On this 18 day of July, 1997, before me, the undersigned, a Notary Public, in and for said State, personally appeared GREGORY C. SMITH AND KATHERINE T. SMITH

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 they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

(SEAL)

Charlotte Hawkins
Notary Public
Residing at:
Commission Expires: 10-24-99



Notice of change of Water Right Ownership

New Owner: Clarence and Tona Stilwill

**Property Legal Description: Lots 2,3,4 of Giesler Hidden Smile Subdivision,
Camas County, Idaho (6.78 Acres Total)**

Total lots within Section 9 1N 14E : (4) see attached plat map (12.22 Acres Total)

% of the following water rights determined as follows: 6.78 divided by 12.22 = 55%

Applicable Water Right No.(s) A37-00678B 55% of .24 cfs = .13 cfs

A37-00680B 55% of .36 cfs = .20 cfs

A37-02041B 55% of 3.9 inches = 2.15 miners inches *

*** .36cfs/.02 = 18 miners inches**

18 inches/23 acres = .78 inches per acre

5 acres x .78 = 3.9 inches for Section 9

1950



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: **A37-02041B**

Date Received: 10/26/1989

Receipt No: S010301

Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: GREGORY C SMITH 208-764-2118
Address: BOX 406
FAIRFIELD ID 83327

AND/OR

Name: KATHERINE T SMITH 208-764-2118
Address: BOX 406
FAIRFIELD ID 83327

2. Date of Priority: APR 18, 1906

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

4. Point of Diversion:

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

5. Description of diverting works:
HEADGATE, PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.360		

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

8. Total consumptive use is 57.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	14E	9	SW	SE		IRR	5.0
						Section Acres	5.0
		16	NW	NE		IRR	13.0
			NE	NW		IRR	5.0
						Section Acres	18.0
						Total Acres	23.0

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:
A37-00678B, A37-00680B

14. Remarks:
SEE TRANS.
OWNERSHIP CHANGE MADE 5/23/96 BY TLB.

15. Basis of Claim: LICENSE

Water Right Number: 1955

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)07/31/98 16:23:49
Page 1

Water Right Number - A37-02041B

Prefix Translation:

ADJUDICATION CLAIM

Old (D) Number - 1955

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

*** C - CURRENT OWNER ***

SPLIT RIGHT

1 -
2 -
3 -

City- X

Phone - 208-000-0000

State- ID Zip- 0

*** O - ORIGINAL OWNER ***

GIESLER

RICHARD B

1 - 260 MEADOWS LN

2 -
3 -

City- TWIN FALLS

Phone - 208-734-4721

State- ID Zip- 833010000

SMITH

GREGORY C

1 - BOX 406

2 -
3 -

City- FAIRFIELD

Phone - 208-764-2118

State- ID Zip- 83327

SMITH

KATHERINE T

1 - BOX 406

2 -
3 -

City- FAIRFIELD

Phone - 208-764-2118

State- ID Zip- 83327

+ - - Priority Date - - +
04/18/1906+ - - - Region - - - +
17 SOUTHERN+ - - - Stage - - - +
L - LICENSE

+ - - - Status - - - +

+ - - - - Source - - - - +
SAMPSON CREEK+ - - - - Tributary - - - - - +
SOLDIER CREEK+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County01N 14E 9 NE SE (25) CAMAS
NW SE (25) CAMAS+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

04/15

10/15

0.360

+ - Total Div. Rate - + + - Total Div. Volume - +
0.360+ - Total Consumptive Use - + + - KW Usage - +
57.5+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County01N 14E 9 SW SE 5.0 01 IRRIGATION (25) CAMAS
01N 14E 16 NW NE 13.0 01 IRRIGATION (25) CAMAS
01N 14E 16 NE NW 5.0 01 IRRIGATION (25) CAMAS

Total Acres: 23.0

Water right number - A37-02041B

Prefix Translation: ADJUDICATION CLAIM

+ - - Diversion Means - HEADGATE, PIPE

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - A37-00678B, A37-00680B

+ - - - - - Remarks - - - - - +

GEN SEE TRANS.
OWNERSHIP CHANGE MADE 5/23/96 BY TLB.

7-31-98: OWNERSHIP CHANGE RESULTED IN A SPLIT. SMITH RETAINED
37-02041D WITH .32 CFS FOR 2.25 AC IN SECTION 9 AND 18 ACRES IN
SECTION 16. STILWILL REC'D .04 CFS FOR 2.75 ACRES IN SECTION 9
37-02041E = PER DEED REC'D 2-10-98 - VH

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +
R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 37C.
R01 - A measuring device of a type approved by this Department shall
- be maintained as a part of the diverting works.
R02 - A lockable device subject to the approval of the Department
- shall be maintained on the diverting works in a manner that will
- provide the watermaster suitable control of the diversion.

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

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

+ - - Audit Fields - - +
07/31/98 VHANCOCK

+ - - - - - 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	- 10/26/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S010301	Water District	- 37C
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

06/23/2006

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

RIGHT NUMBER: 37-21187

NAME AND ADDRESS: KATHERINE T SMITH
79720 ROCK CREEK RD
WAMIC OR 97063

GREGORY C SMITH
79720 ROCK CREEK RD
WAMIC OR 97063

SOURCE: SAMPSON CREEK

TRIBUTARY: SOLDIER CREEK

QUANTITY: 0.130 CFS

PRIORITY DATE: 04/18/1906

POINT OF DIVERSION:

T01N R14E S9 SENESE Within CAMAS County

T01N R14E S9 SWNWSE Within CAMAS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.130 CFS

PLACE OF USE:

IRRIGATION Within CAMAS County

T01N R14E S09

SWSE

2.30

T01N R14E S16

NWNE

1.00

T01N R14E S16

NENW

5.00

8.3 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 - License

Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.



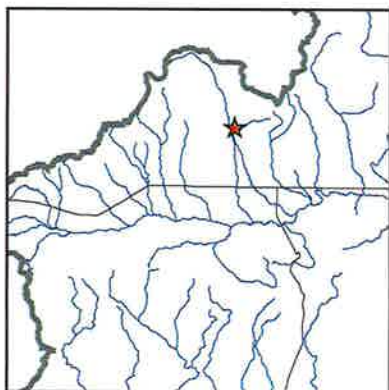
Idaho Department of Water Resources

SRBA Recommendation:

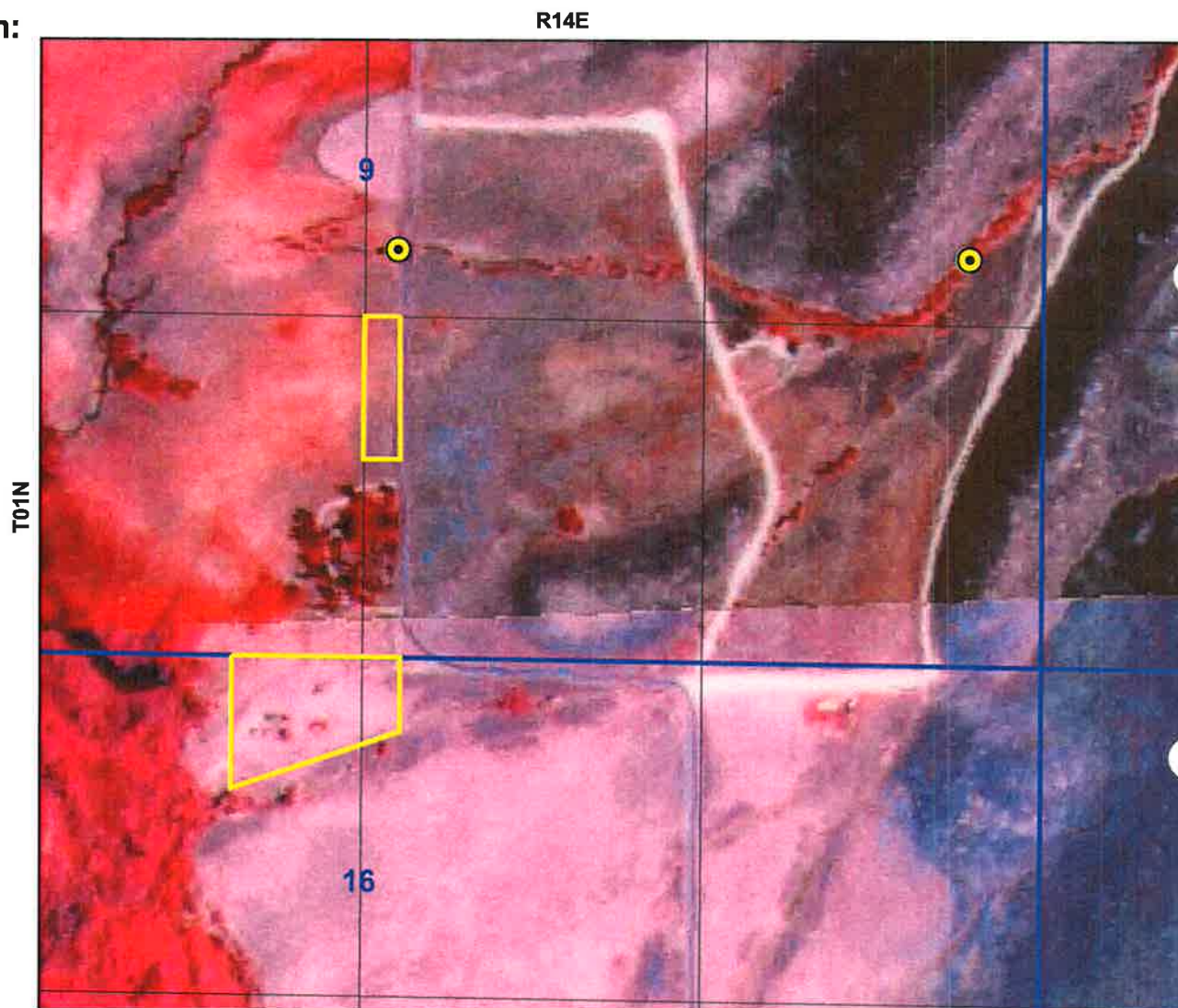
37-21187

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

Adjudication Claim Notes

Claim(s): 37-21187

Background Data

37-21187

- Source is Wardrop and Sampson Creeks tributary to Soldier Creek
- Priority date search indicates:
 - 37-2041 originally licensed for 2.9 cfs for Domestic and Irrigation of 145 acres.
Transfer No. 3312 split into:
 - 37-2041A licensed for 1.9 cfs for Domestic and Irrigation of 90 acres
 - 37-2041A claimed 1.9 cfs for Domestic and Irrigation of 90 acres
 - 37-2041B licensed for 0.36 cfs for Irrigation of 23 acres
 - 37-2041B claimed 0.36 cfs for Irrigation of 23 acres. Split into:
 - 37-2041D claimed 0.32 cfs for Irrigation of 20.3 acres. Split into:
 - 37-21187 claimed 0.13 cfs for Irrigation of 8.3 acres
 - 37-21188 claimed 0.19 cfs for Irrigation of 12 acres
 - 37-2041E claimed 0.04 cfs for Irrigation of 2.7 acres
 - 37-2041C licensed for 0.64 cfs for Irrigation of 32 acres
 - 37-2041C claimed for 1.0 cfs for Irrigation of 32 acres
 - **Summary of 37-2041 claims:**
 - Licensed 2.9 cfs on 145 acres. Licensed rate was 0.02 cfs/acre
 - Total diversion rate claimed = 3.22 cfs. **Diversion rate overclaimed**
 - Total acreage claimed = 142.3 acres

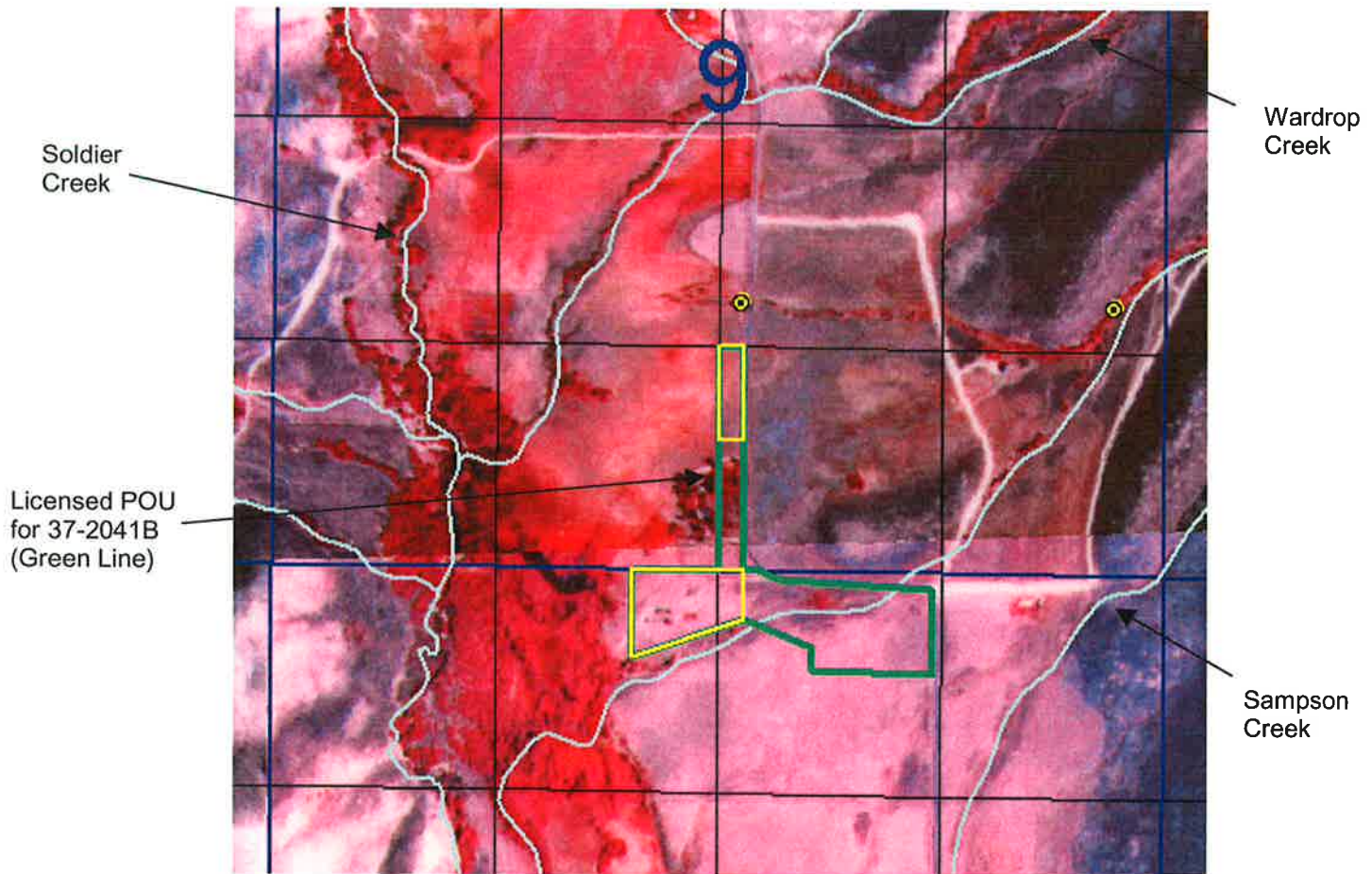
Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



Notes

T1N R14E Section 16

- Found 8.3 acres of Irrigation. A portion of POU of 37-2041B in Transfer No. 3312.
- The 2.3 acres in SWSE Section 9 is owned by Williams/Goldberg, which have claims 37-678D and 37-21417. Decided to recommend because: A) Transfer No. 3312 approved in 1987 indicates this is a valid water right, and B) in the owner of 37-21187 formerly owned the Williams/Goldberg property and two other water rights associated with the property were split in the ownership change – this right for some reason did not change ownership and split, but it appears likely that it will at some time in the future.
- Duty of water: $0.13 \text{ cfs} / 8.3 \text{ acres} = 0.016 \text{ cfs/acre}$. The same duty as 37-2041B in Transfer No. 3312.
- Recommendation:
 - 37-21187: 0.13 cfs for Irrigation of 8.3 acres
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

Summary of SRBA recommendations:

- 37-678 originally decreed for 2.4 cfs on 5 QQ.
 - 37-678A – 1.6 cfs for Irrigation of 66 acres
 - 37-678C – 0.56 cfs for Irrigation of 36 acres
 - 37-678D – 0.11 cfs for Irrigation of 5.4 acres
 - 37-678E – 0.13 cfs for Irrigation of 6.6 acres
 - **Summary:**
 - Total diversion rate = 2.4 cfs
 - Total acreage = 114 acres
- 37-680 originally decreed for 3.2 cfs on 5 QQ.
 - 37-680A – 2.14 cfs for Irrigation of 66 acres
 - 37-680C – 0.70 cfs for Irrigation of 36 acres
 - 37-680E – 0.20 cfs for Irrigation of 6.6 acres
 - 37-21417 – 0.04 cfs for Irrigation of 5.4 acres
 - Unallocated – 0.12 cfs for Irrigation of 5.4 acres (should be part of 37-21417)
 - **Summary:**
 - Total diversion rate = 3.2 cfs
 - Total acreage = 114 acres
- 37-2041 originally licensed for 2.9 cfs for Domestic and Irrigation of 145 acres.
 - 37-2041A – 1.9 cfs for Domestic and Irrigation of 81 acres
 - 37-2041C – 0.64 cfs for Irrigation of 32 acres
 - 37-2041E – 0.04 cfs for Irrigation of 2.7 acres
 - 37-21187 – 0.13 cfs for Irrigation of 8.3 acres
 - 37-21188 – 0.19 cfs for Irrigation of 12 acres
 - **Summary:**
 - Total diversion rate = 2.9 cfs.
 - Total acreage = 136 acres.
- 37-220 originally decreed for 1.6 cfs on 6 QQ.
 - 37-13215 – 0.53 cfs for Irrigation of 80 acres
 - 37-13239 – 1.00 cfs for Irrigation of 81 acres
 - Unallocated – 0.07 cfs for Irrigation of 5 acres
 - **Summary:**
 - Total diversion rate = 1.6 cfs.
 - Total acreage = 166 acres.
- 37-221 originally decreed for 3.2 cfs on 6 QQ.
 - 37-13215 – 1.07 cfs for Irrigation of 80 acres
 - 37-13239 – 2.00 for Irrigation of 81 acres
 - Unallocated – 0.13 cfs for Irrigation of 5 acres
 - **Summary:**
 - Total diversion rate = 3.2 cfs.

Total acreage = 166 acres.

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Wardrop, Lyda A.	2.9		37-2041
2487	Pauls, Clarence et al	2.9		37-2041
3312	Giesler, Richard B.	0.36		37-2041B
		0.64		37-2041C
	Pauls, Clarence et al	1.9		37-2041A

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MICROFILMED

AUG 18 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3312APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant Richard B. Giesler Phone 734 - 4721
Post Office address 807 Campus Drive, Twin Falls, Idaho, 83301

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Split water right
2. Describe the reason for the proposed changes To record rights as decided and to allow for future sale of lands

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
- | | | | | |
|-----------|-----------|------|--------------|---------------|
| 37-2041 B | 4/18/1906 | 0.36 | Irrig & Dom. | 4/15 to 10/15 |
| 37-2041 C | 4/18/1906 | 0.64 | Irrig & Dom. | 4/15 to 10/15 |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 1.0 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Sampson Creek tributary to Soldier Cr.
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SE	9	1N.	14E.	Camas	Sampson CK, 37-2041 B
		NE	SE	9	1N.	14E.	Camas	Sampson CK, 37-2041 B
		NE	SE	9	1N.	14E.	Camas	Sampson CK, 37-2041 C

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N.	14E.	9															5		5
1N.	14E.	16			13			5											18
																			<u>23</u>
1N.	14E.	16			24			8											32
																			<u>32</u>

Total acres 55

PART 1**6. General Information:**a. Description of diversion system Gravity earthen ditchesb. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

None This transfer records how land has been irrigated
and how water right is to be split.

d. Remarks:

Quad map incorrectly shows Sampson Creeks
lower reach as what is the diversion ditch.**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**This is to certify that I have examined Application for Transfer of Water Rights No. 37-2041B/CAnd said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. Use of water under these rights is subject to control by the watermaster of State Water District No. 37C, Soldier Creek.
4. These rights when combined with all other rights shall provide no more than 3.0 afa per acre for the lands above.

AUG 18 1987

Witness my hand this 6th day of July, 19 87J. Glen Gayton
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 37-2041 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 2487 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☒ Other Sales Agreement

3. Source of water Wardrop Creek (Trail Creek) tributary to Soldier Creek

4. Date or priority 4/18/1906

5. Water is used for the following purpose:

amount 2.9 cfs for Irrig. & Dom. purposes from 4/15 to 10/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.9 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	9	1N.	14E.	Camas	Sampson Creek
		SE	NE	9	1N.	14E.	Camas	Wardrop Creek

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1N.	14E.	9													6	35	30	24	95
1N.	14E.	16		40			10												50

Total acres 145

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 1.0 cfs for Irrig. & Dom. purposes from 4/15 to 10/15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	9	1N.	14E	Camas	Sampson Creek

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	14E	9															5		5
1N	14E	16			40				10										50

Total acres 55

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) 37-2041 A

1. amount 1.9 cfs for Irrig. & Dom. purposes from 4/15 to 10/15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	9	1N.	14E	Camas	Wardrop Creek
		NE	SE	9	1N.	14E	Camas	Sampson Creek

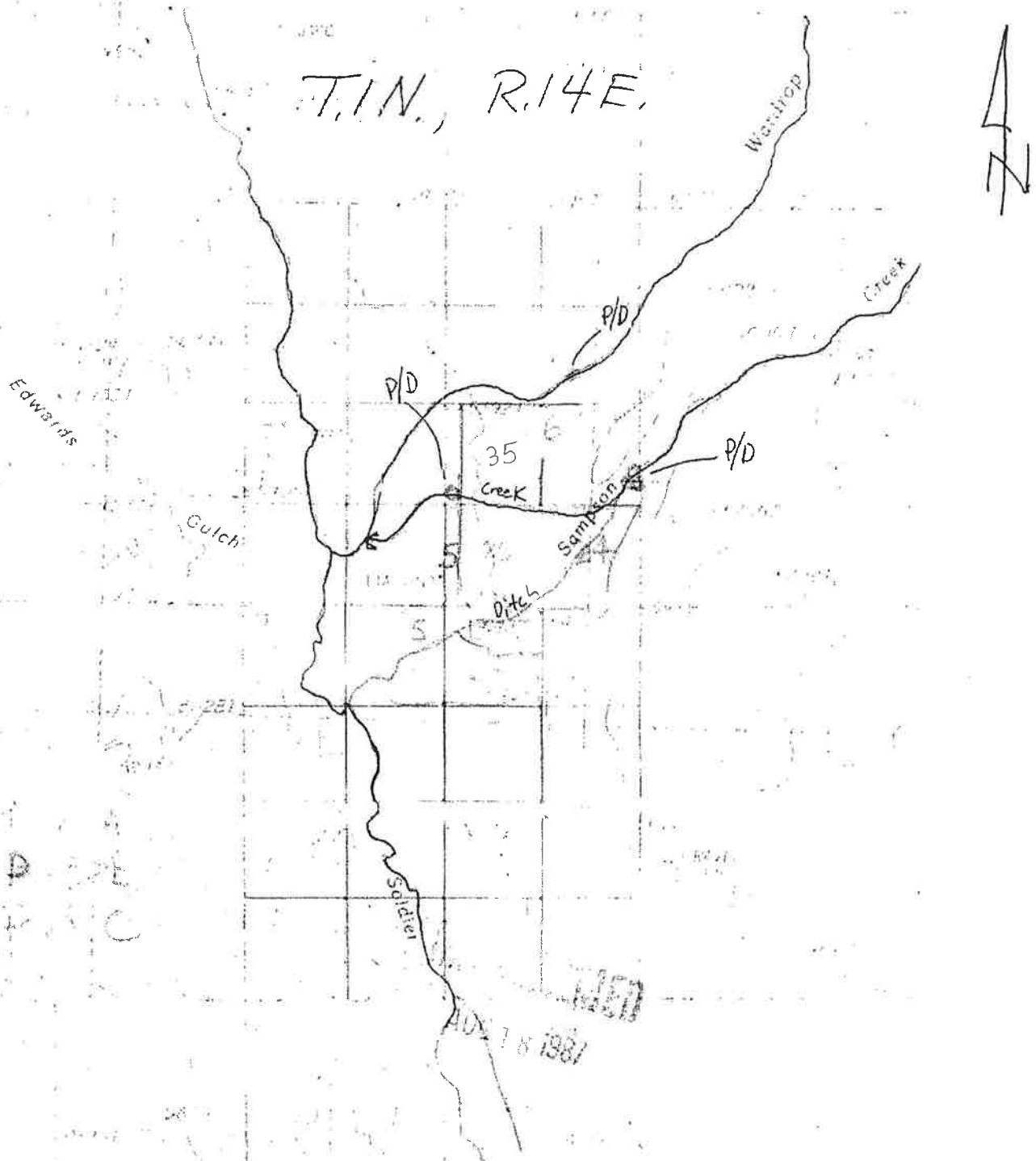
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	14E	9													6	35	25	24	90

Total acres 90

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3**B. CHANGES IN NATURE OF USE**

- | 1. | <u>New Nature of Use</u> | <u>Amount</u>
(cfs/ac-ft) | <u>Hours/days/year</u> | <u>Period of Use</u> |
|----|--------------------------|------------------------------|------------------------|----------------------|
| | | | | to |
| | | | | to |
2. Quantity and quality of return flows and location of discharge:
3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Richard B. Hieker

(Signature of Applicant)

Subscribed and sworn to before me this 25 day of March, 19 87.

Loren O. Halmer

(Notary Public)

My commission expires 3/21/1993

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and _____ attachments

Received by ADM Date 3/25/87 #40725 Protest filed by None

Prelim. check by SB Fee \$50.00

Receipted by ADM Date 3/25/87

Published in Gooding Co. Leader; Mt. Home News Copies of protest forwarded by _____

Pub. dates 5/6 & 5/13/87 Hearing held by _____ Date _____

Watermaster recommendation requested on N/A Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by ADM

Copy of transfer sent to lien holder _____

RECORDED & INDEXED

AUG 18 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**APPROVED****APPLICATION FOR TRANSFER OF WATER RIGHT****To Change the Point of Diversion and/or the Place of Use**

Name of applicant Clarence G. Pauls, Penny Lee Pauls 934-4866 Patricia
Patricia J. Pauls, Joanie Gay Pauls Phone 934-5833 Clarence
 Post office address 130 13th Avenue West Gooding, Idaho

A. DESCRIPTION OF RIGHT AS RECORDED**1. Right evidenced by:**

- a. Decree to _____ (Name)
 in case of _____ vs _____
 dated _____ in _____ county of _____
 (Name of court)
- b. License No. 37-2041 issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant

3. Source of water Wardrop Creek (Trail Creek)
Sampson Creek tributary to Soldier Creek
4. Date of priority April 18, 1906

5. Water is used for the following purposes:

amount 2.9 cfs for irrigation & domestic purposes from April 15 to October 15
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (month/day - both dates inclusive)

6. Total amount of water under right: a. 2.9 cfs cubic feet per second
 &/or
 b. _____ acre feet per annum
7. Location of original point of diversion is Sampson Creek SW % of SW % of Section 10
 Township 1 N Range 14 E, B.M., in Camas County
 Additional points of diversion, if any Wardrop Creek (formerly known as Trail Creek)
SE 1/4 NE 1/4 Sec 9, Twp 1 N Rge 14 E

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	14E	9													30	40	40	35	145

Total number of acres to be irrigated 145**9. Describe any other water rights used for the same purposes as described above**

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ 1/4 _____ 1/4, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion

- a. Amount of water to be diverted 2.9 c.f.s. &/or _____ acre feet
Sampson Cr.
- b. Point(s) of diversion NE 1/4 SE 1/4, Section 9 Township 1N
Range 14 E, B.M., _____ County
Additional points Wardrop Creek (formerly known as Trail Creek)
SE 1/4 NE 1/4 Sec. 9 Twp 1N Rge 14 E

c. Description of diverting works diversion and ditches to place of use

- d. Describe the reasons for applying for a change in the point(s) of diversion to show where actual point of diversion and place of use are at present and to divide the water rights to accomodate a change in ownership of the property.

2. Change in place of use

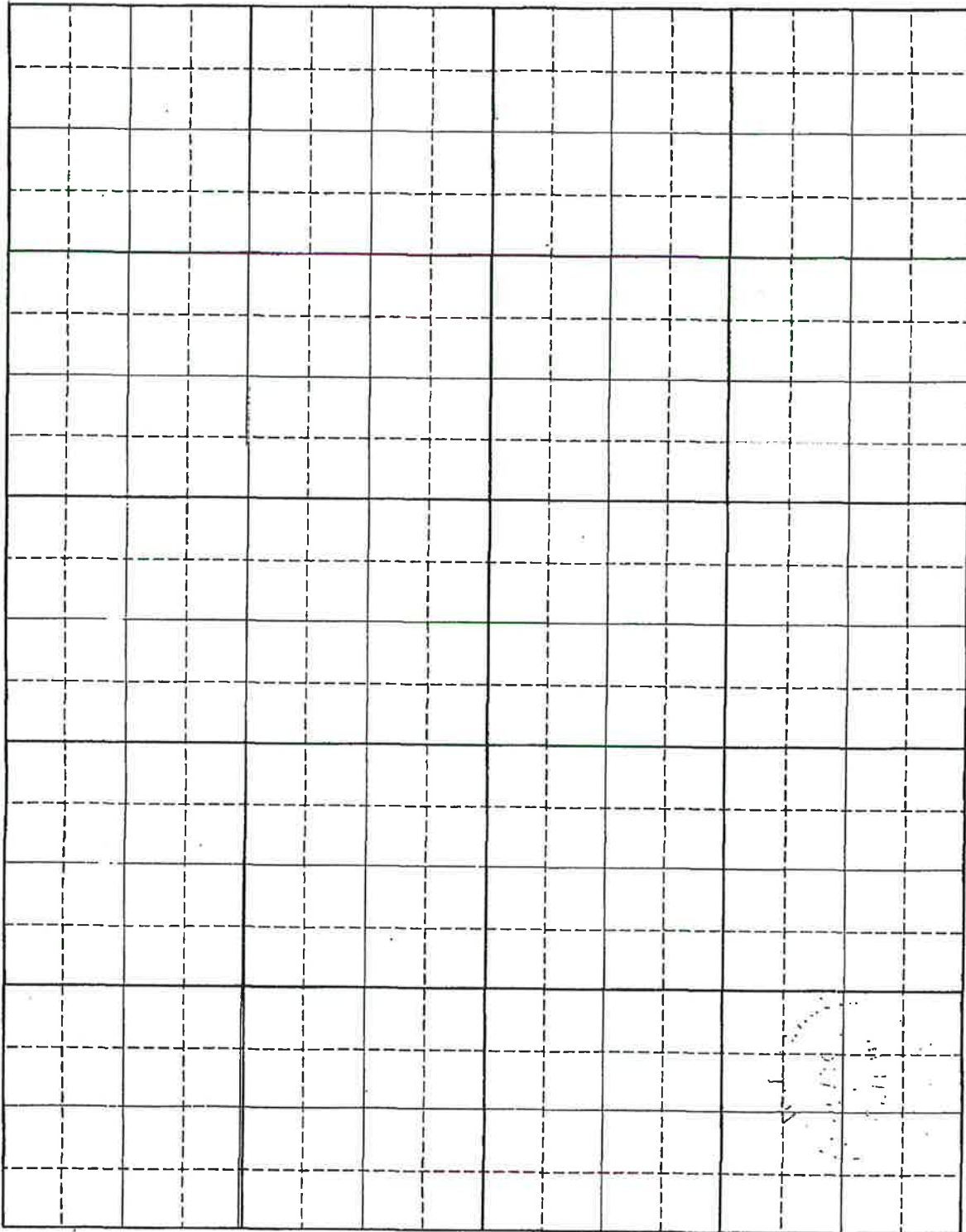
- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	14E	9													6	35	30	24	95
1N	14E	16		40			10												50

Total number of acres to be irrigated 145

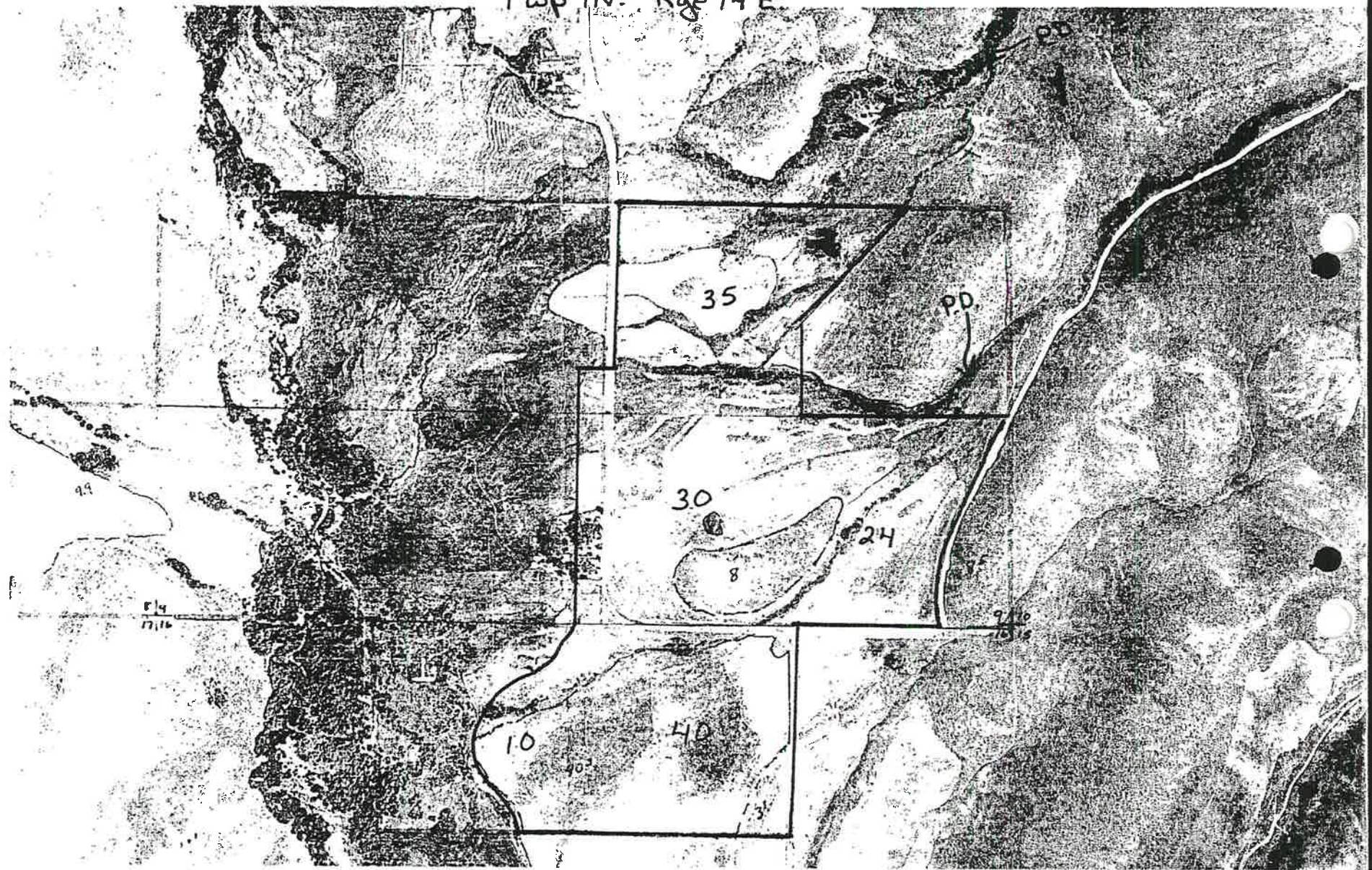
	
16	
W.D.	Joani Gay Pauls to Penny Lee Pauls 5/29/79
II	W.D. CLARENCE R. Pauls to Patricia Pauls 5/11/76
III	W.D. Patricia A Jane Pauls to Clarence R. Pauls 5/14/1976
NAMES OF APPLICANTS	Clarence G. Pauls Penny Lee Pauls Patricia J. Pauls Joanie Gay Pauls

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

Twp 1N. Rge 14E



37-2041 before Transfer

1 N. 14 E.

1925

Sec 9

Sec 10

RECEIVED FILMED

AUG 18 1981

9/10
16/15

5112

4. Remarks _____

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

James Lee Pauls
James Lee Pauls
Attorney in Law

James Lee Pauls
James Lee Pauls
Attorney in Law

James Lee Pauls

(Signature of applicant)

Subscribed and sworn to before me this 20 day of October, 1980.

Richard B. Muehl
(Notary public)

My commission expires life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-2041 and said application is hereby approved, subject to the following limitations and conditions:
Use of water under this right is subject to control by the watermaster of State Water District No. 37-C, Soldier Creek.

Witness my hand this 15th day of December, 1980.

Norman C. Young
NORMAN C. YOUNG
Administrator, Resources Admin. Div.

FOR DEPARTMENT USE ONLY

Received by LH Date 10-20-80

Protest filed by _____

Prelim. check by _____ Fee 50⁰⁰

Receipted by LH Date #16638

Published in Grandview County Leader

Copies of protest forwarded by _____

Pub. dates 10/23 & 10/31/80

Hearing held by _____ Date _____

Watermaster recommendation requested on 10/27/80
Not on active Water District

Recommended for approval denial

rec'd. _____

by LH Jim

Master License No. 1958.

[illegible]

GETTING

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2041B

WATER RIGHT NUMBER: 37-2041B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RICHARD B GIESLER 807 CAMPUS DR TWIN FALLS, ID 83301
Original Owner	LYDA A WARDROP ID

Priority Date: 04/18/1906

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	0.360 CFS	
	<u>Total Diversion:</u>	0.360 CFS	

Location of Point(s) of Diversion

SAMPSON CREEK	NE1/4SE1/4	Sec. 9,	Twp 01N,	Rge 14E, B.M.
CAMAS County				
SAMPSON CREEK	NW1/4SE1/4	Sec. 9,	Twp 01N,	Rge 14E, B.M.
CAMAS County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	14E	9															5.0		5.0
01N	14E	16			13.0				5.0										18.0

Total Acres: 23

Conditions of Approval:

1. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
3. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-2041B

Remarks:

Comments:

Water Supply Bank:

6/9/94

COMMUNICATION DOCUMENTATION

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 Georgia Satterlee

DATE

January 7, 1997 2:44 pm

CUSTOMER

Smith, Greg

SUBJECT: Transfer of 37-00678B, 37-00680B, 37-02041B
phone call (X) walk-in (.)

He said he received the letter from ADM. He has sold some of the land the above transfer was in relation to and now he either needs to amend the existing transfer or re-do the entire application. I suggested that he come in to achieve some conclusion to the original transfer. He said he will be back in the area mid-January. He will call and set up an appointment when the date gets closer. I suggested he come in when both ADM and Jim Stanton are available and we will hopefully get this original transfer cleared up. Although he has moved to Oregon, he says he has title to the 11 acres (w/ apple orchard). I said regardless of who owns what, the new owner might want to have a clear idea of what water right goes with the land that was recently sold to them.

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Greg E. &/or Katherine Smith Phone 764-2118
 Post Office address PO Box 406, Fairfield, ID 83327

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes In hot weather, Simpson Creek never reaches the licensed ground. We want to move the water right upstream where the water is available all season.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
37-020418 4-18-1906 0.36 cfs Irrig. 4-15 to 10-15
 _____ to _____
 _____ to _____
 _____ to _____
2. Total amount of water being transferred 0.36 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Simpson Creek tributary to Soldier Creek
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	NE	NE	10	1N	14E	Camas	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	14E	10	20	3															23

Total acres 23

PART 1**6. General Information:**

a. Description of diversion system Headgate & ditch, gated pipe for gravity irrigation

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Land will no longer be irrigated.

d. Remarks:

This right has been used every year, more or less, as long as water is available.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

VOID

Witness my hand this _____ day of _____, 19 _____

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 37-02041B

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/15 to 10/15	0.36 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
SAMPSON CREEK	SOLDIER CREEK

Priority: 04/18/1906

LOCATION OF POINT(S) OF DIVERSION:NESE , Sec. 9, Township 01N, Range 14E
NWSE , Sec. 9, Township 01N, Range 14E
CAMAS CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	14E	9	SWSE 5			5
		16	NWNE 13	NENW 5		18
Total number of acres irrigated:						23

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37C.
2. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. A37-02041B

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/15 to 10/15	0.36 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
SAMPSON CREEK	SOLDIER CREEK

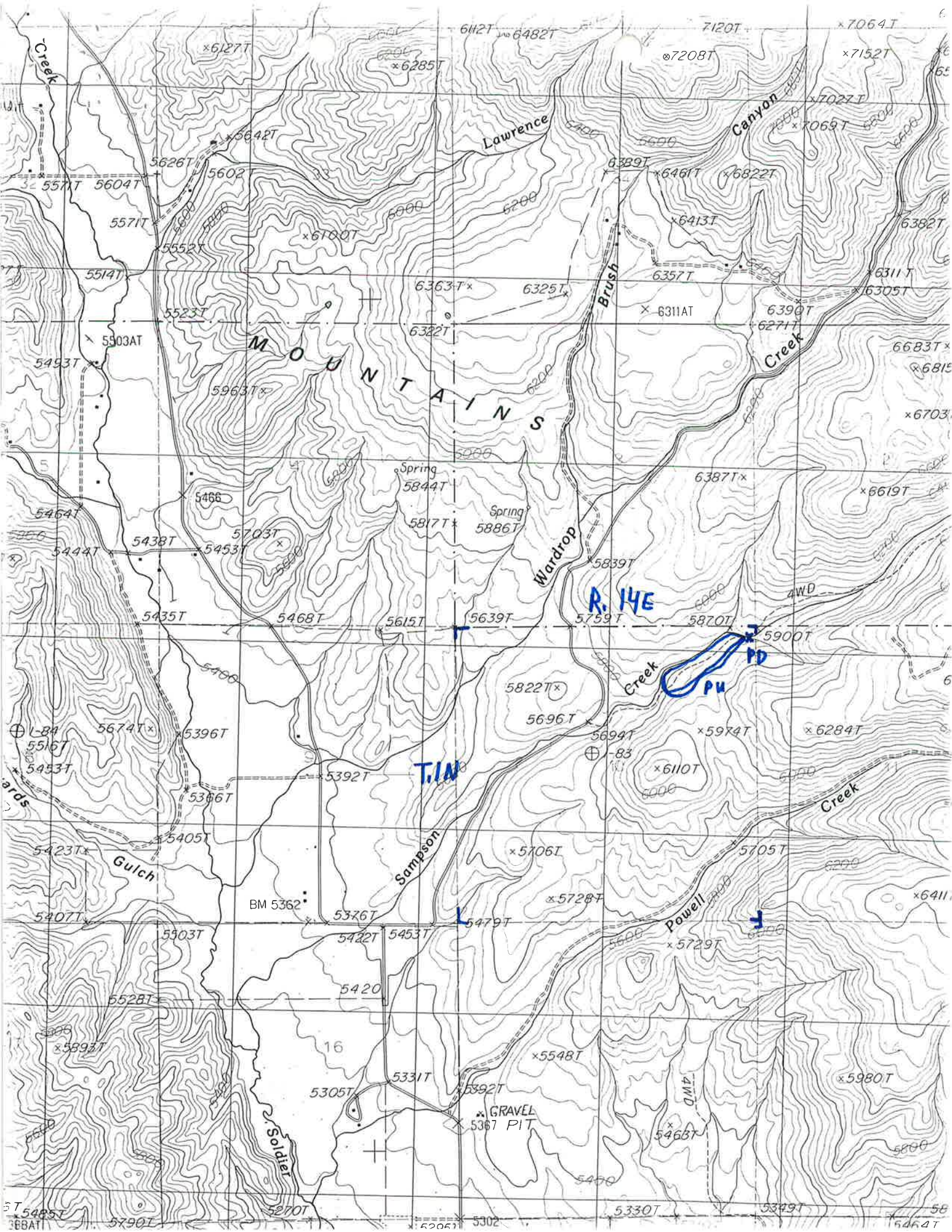
Priority: 04/18/1906

LOCATION OF POINT(S) OF DIVERSION:NESE , Sec. 9, Township 01N, Range 14E
NWSE , Sec. 9, Township 01N, Range 14E
CAMAS CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	14E	9	SWSE 5			5
		16	NWNE 13	NENW 5		18
Total number of acres irrigated:						23

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37C.
2. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. SEE TRANS.
5. OWNERSHIP CHANGE MADE 5/23/96 BY TLB.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to _____
				to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 14th day of May, 19 96

[Signature]
(Signature of Applicant)

[Signature]
(Notary Public)

My commission expires 10-25-2000

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by [Signature] Date 5-14-96

Prelim. check by [Signature] Fee \$100. 5019129

Receipted by [Signature] Date 5-14-96

Published in _____

Pub. dates _____

Watermaster recommendation requested on _____

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

RECEIVED

MAY 14 1996

**Department of Water Resources
Southern Region**



BCT #19903034

This form furnished by
Blaine County Title, Inc.

WARRANTY DEED

For Value Received RICHARD B. GIESLER AND S. JANENE GIESLER, HUSBAND AND WIFE,

the Grantor hereby grants, bargains, sells, conveys and warrants unto GREGORY C. SMITH, AN UNMARRIED MAN,

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

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN.

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:

Richard B. Giesler
RICHARD B. GIESLER

S. Janene Giesler
S. JANENE GIESLER

STATE OF IDAHO, COUNTY OF Twin Falls

On this X 21st day of May, 1991,
before me, a Notary Public in and for said State, personally appeared

Richard B. Giesler and S. Janene
Giesler

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.

x Paul M. Deek

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

EXHIBIT "A"

Lots 1, 2, 3, 5, Giesler Hidden Smile Subdivision
as the same appears on the official plat on file in
the office of the Recorder of Camas County, Idaho. AND

A parcel of land located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16
and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, Township 1 North, Range 14, East, Boise
Meridian, Camas County, Idaho, more particularly described as
follows:

Beginning at the Southwest corner of Smoky Dome Ranch, a
subdivision as recorded at the Camas County Recorder's office, also
being the Real Point of Beginning, said point lies on the northerly
boundary of said Section 16 and lies S 89° 44' 53" E, 141.99
feet from the 1/4 corner common to said Section 16 and Section 9;

Thence along the westerly right-of-way boundary of Soldier
Creek Road, N 0° 13' 23" E, 1327.60 feet more or less to the
northerly boundary of said SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Thence N 89° 29' 40" W, 431.30 feet along the northerly boundary
of said SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9;

Thence S 2° 36' 11" E, 1344.27 feet;

Thence N 89° 44' 45" W, 355.27 feet;

Thence S 0° 16' 15" W, 514.10 feet;

Thence N 71° 14' 37" E, 761.62 feet;

Thence S 74° 30' 0" E 538.56 feet to a point on the westerly
boundary of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16;

Thence southerly 103.3 feet more or less;

Thence easterly 660 feet more or less along a line which lies
525 feet southerly of and parallel to the northerly boundary of
said NE $\frac{1}{4}$ Section 16;

Thence northerly 525 feet along the easterly boundary of said
NW $\frac{1}{4}$ Section 16;

Thence N 89° 47' 00" W, 1,178.8 feet more or less along the
northerly boundary of said NE $\frac{1}{4}$ Section 16, to the REAL POINT OF
BEGINNING; EXCEPT the northerly 30 feet of the easterly 1,178.8
feet of the above described parcel lying in said Section AND
EXCEPT GIESLER HIDDEN SMILE SUBDIVISION.

CAMAS COUNTY
FAIRFIELD, IDAHO 83327

Fairfield, Idaho 83327

Telephone (208) 764-2370
Fax (208) 764-2349

FACSIMILE COVER SHEET

TO:

Georgia Satterlee

FROM:

Mickey
Camas Assessors Office
Any? please call

DOCUMENT:

Smith Land

NUMBER OF PAGES: 4
(including this page)

RECEIVED

AUG 12 1996

Department of Water Resources
Southern Region

Section 16 Township 1N Range 14E P₁₂₅ 12-148

CARTON PAINTERS, CAMPBELL ROAD 25522

N

Robertson

1296

721277

Robertson

29.031

751278

214.531

10 10 10

2000

[illegible]

② 24,031.2

Page 27

1235.

~~8000~~

Good willings

(4) 74,032

13. A

7.5-20

Victor Smith

2

39.7/A

39. 2/11

29A

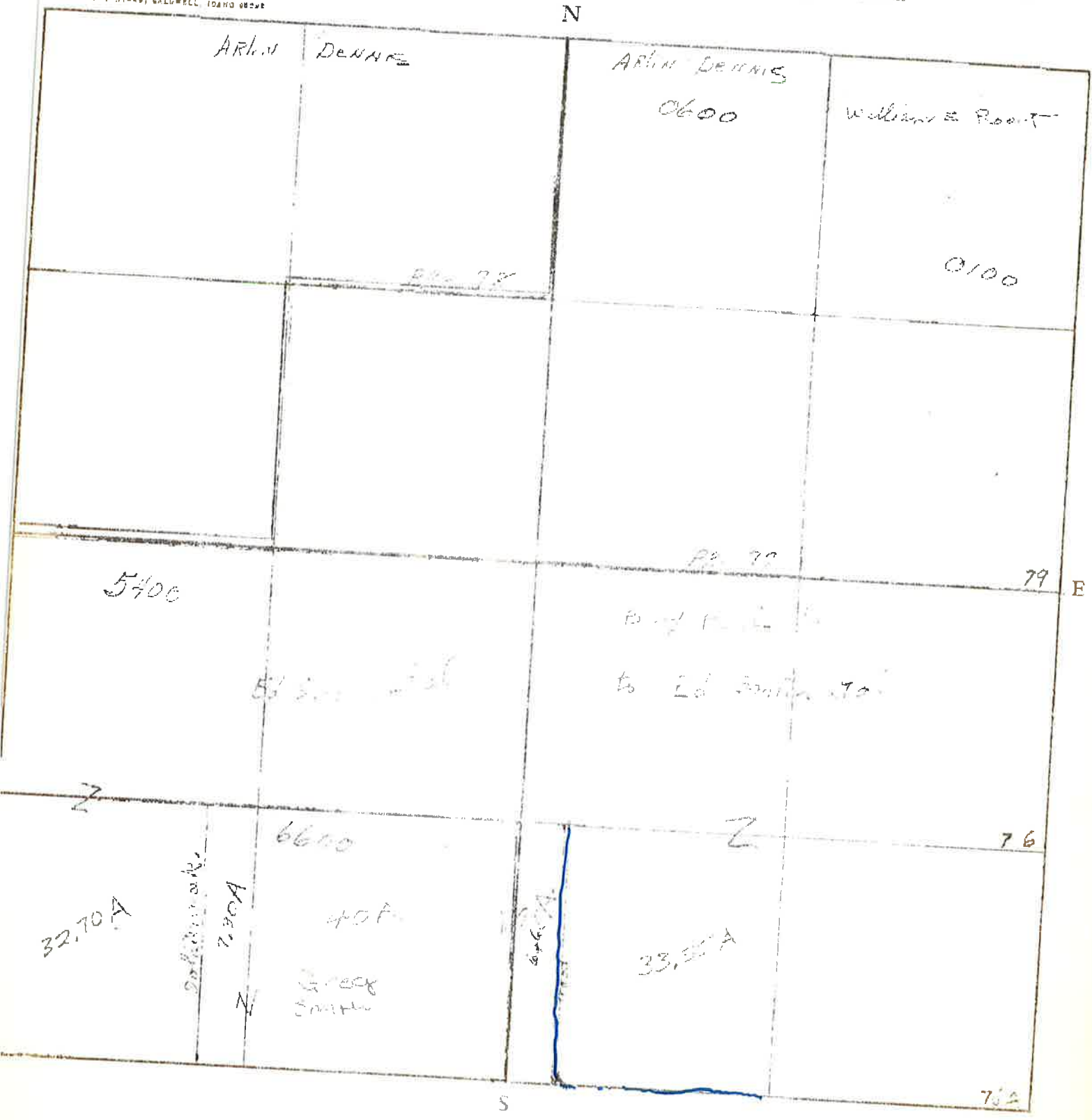
294

3

Section 9 Township 1N Range 14E Page 13-14

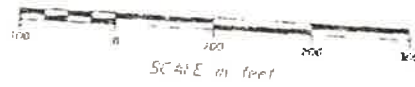
CANTON PRINTERS, GALEWELL, IOWA 50508

N



GIESLER HIDDEN SMILE SUBDIVISION

Sections 9 & 16, Township 1 North, Range 14 East, B.M., CAMAS COUNTY, IDAHO
1990



LEGEND
Section Line
Least 1/2" from 15 00'
Elev. 5/8" from
Brass Cap
Alum. Cap
Set 5/8" Bar / Cap

VICINITY MAP
A75

Camas, CO, Court

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
41 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380



☒ Insufficient Address
☒ Stopped, Left No Address
☒ Unclaimed ☐ Refused
☒ Attempted - Not Known
☐ No Such Street
☐ No Such Number
☐ No Receptacle
☐ Deceased
☐ Vacant

Please
Forward

JAN - 3 1997

1-8-97

1-14-97

1-21-97

GREG SMITH
PO BOX 406
FAIRFIELD ID 83327

RECEIVED

JAN 24 1997

Department of Water Resources
Southern Region

CERTIFIED

1688

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: *AM / TR 137-2041*

4a. Article Number

1688

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

GREG SMITH
PO BOX 406
FAIRFIELD ID 83327

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

PS Form 3811, December 1991 ★U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 2, 1997

RE: In the matter of Application for Transfer in the name of Greg E. Smith of Right No. 37-02041B.

Dear Interested Party:

The accompanying order is a "preliminary order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of this order. The hearing officer will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243 (3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding to the Director. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may

schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246 (5), Idaho Code, provides as follows:

unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

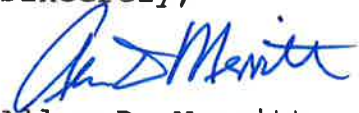
APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property hat was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,



Allen D. Merritt
Southern Region Manager

Enclosure

CC: IDWR - State Office

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR TRANSFER OF RIGHT NO.)
37-02014B IN THE NAME OF)
GREG &/OR KATHERINE SMITH)
_____)

PRELIMINARY ORDER

This matter having come before the Idaho Department of Water Resources (department), the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On May 14, 1996, Greg &/or Katherine Smith (applicant) filed an application for transfer of water right 37-02041B with the department proposing the change of point of diversion and place of use of license 37-02041B for 0.36 cubic feet per second of water from Sampson Creek tributary to Soldier Creek. The right is used for irrigation of 23 acres in Camas County, Idaho.

2. The department reviewed the application and found that several items needed to be clarified, including the issue of the present overlaps with other rights and the use of license 37-02041B. If the application was approved based on the current evidence of water use and available information it would appear that the proposed change constitutes an enlargement of the original right. The department corresponded with the applicant on August 30, 1996 and requested the applicant contact the department to clarify the overlap of other rights and to describe how the right was presently used. The applicant did not respond.

3. On September 16, 1996, the department again corresponded with the applicant and requested the applicant contact the department. The applicant did not respond.

4. On October 10, 1996, the department conducted a field review of the present place of use to attempt to clarify matters but was not able to resolve the issues.

5. On October 22, 1996, the department again corresponded with the applicant by certified mail but the letter was returned unclaimed.

6. On November 18, 1996, the department sent a final letter requesting the applicant to contact the department by November 29, 1996. The applicant did not respond.

CONCLUSIONS OF LAW

1. Section 42-222, Idaho Code, provides in pertinent part as follows:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, the change is consistent with the conservation of water resources within the State of Idaho and is in the local public interest as

2. Section 42-204, Idaho Code, provides in pertinent part as follows:

If the application is returned to the applicant or the department shall request additional information and the applicant fails to return the corrected application or to supply the needed information within thirty (30) days, the department may void the record of said application and notify the applicant of such action.

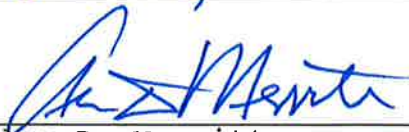
3. The applicant has not responded to the department and has not provided the information requested.

3. The department should void the record of the application pursuant to Section 42-204, Idaho Code.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Application for Transfer in the Name of Greg &/or Katherine Smith of Right No. 37-02041B is **VOIDED** pursuant to the provisions of Section 42-204, Idaho Code.

Dated this 2nd day of January, 1997.



Allen D. Merritt
Southern Region Manager

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of January, 1997, a true and correct copy of the foregoing Preliminary Order was forwarded with all required charges prepared, by the method(s) indicated below, to the parties listed:

Mary Baldwin
Secretary

Greg Smith
PO Box 406
Fairfield ID 83327

Hand delivered	<u> </u>
U.S. Mail-Regular	<u> x </u>
U.S. Mail-Certified	<u> x </u>
Fax	<u> </u>

FILE PROGRESS SUMMARY

APPLICANT:

Greg E. Smith

WATER RIGHT NO.

37-02041 B

INIT.	DATE	COMMENT
all	5/15/96	Staffed to Georgia
GLS	18 June 96	Preliminary Search/Check
	July	Field Exams for other claims
	7 Aug 96	called to see PD & PH left message
	8 " "	" " " " " " " " " "
		~~ASCS for aerial~~ Assessor for property determination
		Comp consulting the confusion out
	12 AUG 96	SMITH needs to amend/add/delete or fill out another Transfer. left a message w/ his wife
	20 AUG	Phone calls
	29 AUG	" " our concerns and questions
	30 AUG	Letter sent requesting Smith to acknowledge
	16 SEPT	2nd " " " " " " " " " "
	08 Oct 96	Jim Stanton did field review and find SW ptn. to be questionable
	10 Oct 96	After confering w/ ADM, Jim Stanton will write a third letter stating the concerns/questions and put in stipulation of "... respond in 30 days or we shall discontinue processing claim and forfeiture of \$100 ..." "
ALL DOCUMENTATION AFTER 10 Oct 96 NOT RECORDED ON THIS SHEET		
APP. VOID - 2/28/97		

From: DWR60::AMERRITT
To: GSATTERL
CC: AMERRITT
Subj: smith transfer

24-JAN-1997 08:09:47.12

I sent Mr. Smith an order allowing him until Feb 28 to take care of modifying the application. If he doesn't come in then the application is dead. You may wish to review the file if he comes in.

Allen

1700 hrs 28Feb97
What Now?

Take the application off the
staff book. Mark it as Void.
Place file in SRBA Clin
file.

AD~ 3/7/97



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 23, 1997

Greg Smith
PO Box 406
Fairfield, ID 83327

RE: Transfer application of Right No. 37-02041B

Dear Mr. Smith:

Please find enclosed an order which allows you additional time to correct or amend your application. As you know the department issued a preliminary order to void the application but you called the department indicating your wish to correct or amend the application within 14 days of issuance of the preliminary order. The enclosed order allows until February 28, 1997 to initiate these actions. If nothing is done then the application will be voided.

If you have questions please feel free to contact our office.

Sincerely,

Allen Merritt, PE
Southern Region Manager

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR TRANSFER OF RIGHT NO.)
37-02014B IN THE NAME OF)
GREG &/OR KATHERINE SMITH)

**GRANT TEMPORARY STAY OF
EXECUTION OF PRELIMINARY ORDER**

This matter having come before the Idaho Department of Water Resources (department), the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On May 14, 1996, Greg &/or Katherine Smith (applicant) filed an application for transfer of water right 37-02041B with the department proposing the change of point of diversion and place of use of license 37-02041B for 0.36 cubic feet per second of water from Sampson Creek tributary to Soldier Creek. The right is used for irrigation of 23 acres in Camas County, Idaho.

2. On January 2, 1997, after numerous attempts to contact the applicant to correct problems with the application with no response from the applicant, the department issued a preliminary order to void the application.

3. On January 7, 1997, Greg Smith phoned the department and talked to Georgia Satterlee in response to the preliminary order. He indicated he was out of the area but would be in the area after mid-January to address the problems with the application.

CONCLUSIONS OF LAW

1. Section 42-222, Idaho Code, provides in pertinent part as follows:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, the change is consistent with the conservation of water resources within the State of Idaho and is in the local public interest as

2. Section 42-204, Idaho Code, provides in pertinent part as follows:

If the application is returned to the applicant or the department shall request additional information and the applicant fails to return the corrected application or to supply the needed information within thirty (30) days, the department may void the record of said application and notify the applicant of such action.

3. The applicant has responded to the preliminary order but has not provided sufficient information to allow processing of the transfer.

3. The department should grant a temporary stay of the preliminary order to void the record of the application pursuant to Section 42-204, Idaho Code, giving the applicant sufficient time to respond.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the Preliminary Order issued January 2, 1997 is **STAYED** with no final action voiding the Application for Transfer in the Name of Greg &/or Katherine Smith of Right No. 37-02041B until **February 28, 1997**. If the applicant has not corrected the application by February 28, 1997, then the preliminary order will again become in affect.

Dated this 23rd day of January, 1997.



Allen D. Merritt
Southern Region Manager

6/9/94

COMMUNICATION DOCUMENTATION

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 Georgia Satterlee

DATE

January 17, 1997 9:13am

CUSTOMER

ADM

SUBJECT: Smith, Greg (Preliminary Order)
phone call (.) walk-in (.)

1. Called PO, rcvd. instructions see Memo same date @ 8:05 a.m.
2. Wrote letter, left on your desk for your review.
3. Electronical Calender=ADM - A/L - 17 January 1997
4. Appears letter will not be reviewed until Tues. 21January1997.

6/9/94

COMMUNICATION DOCUMENTATION

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 Georgia Satterlee

DATE

January 17, 1997 8:05am

CUSTOMER

Smith, Greg

SUBJECT:Transfer of 37-00678B,-00680B,-02041B

phone call (X) walk-in (.)

Contact made to Fairfield PO @ 764-2423, I requested new address of Smith. Postal employee said no addresses given out over the phone, however, I send letter to Smith with old address and request for ADDRESS CORRECTION (on envelope). If Smith gave PO forwarding address it will be shown on the ADDRESS CORRECTION label.

Also, I have been asked by ADM to write Smith a letter requesting he contact the department to resolve the situation of "VOIDING THE APPLICATION FOR TRANSFER".

6/9/94

COMMUNICATION DOCUMENTATION

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 Georgia Satterlee

DATE

January 16, 1997 5:00 pm

CUSTOMER

Smith, Greg

SUBJECT: Transfer of 37-00678B,-00680B,-02041B

phone call (x) walk-in (.)

At 1600 hrs, I was asked by ADM to contact the Fairfield PO to find out Smith's forwarding address. I tried calling between the hours of 1600-1700 to the Fairfield PO (#764-2423) but there was no answer.

6/9/94

COMMUNICATION DOCUMENTATION

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 Georgia Satterlee

DATE

January 7, 1997 2:44 pm

CUSTOMER

Smith, Greg

SUBJECT: Transfer of 37-00678B, 37-00680B, 37-02041B
phone call (X) walk-in (.)

He said he received the letter from ADM. He has sold some of the land the above transfer was in relation to and now he either needs to amend the existing transfer or re-do the entire application. I suggested that he come in to achieve some conclusion to the original transfer. He said he will be back in the area mid-January. He will call and set up an appointment when the date gets closer. I suggested he come in when both ADM and Jim Stanton are available and we will hopefully get this original transfer cleared up. Although he has moved to Oregon, he says he has title to the 11 acres (w/ apple orchard). I said regardless of who owns what, the new owner might want to have a clear idea of what water right goes with the land that was recently sold to them.



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 2, 1997

RE: In the matter of Application for Transfer in the name of Greg E. Smith of Right No. 37-02041B.

Dear Interested Party:

The accompanying order is a "preliminary order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of this order. The hearing officer will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243 (3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding to the Director. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may

schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246 (5), Idaho Code, provides as follows:

unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

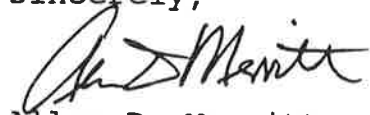
APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property hat was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,

A handwritten signature in dark ink, appearing to read "Allen D. Merritt", written in a cursive style.

Allen D. Merritt
Southern Region Manager

Enclosure

CC: IDWR - State Office

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER OF RIGHT NO.)
37-02014B IN THE NAME OF)
GREG &/OR KATHERINE SMITH)
_____)

PRELIMINARY ORDER

This matter having come before the Idaho Department of Water Resources (department), the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On May 14, 1996, Greg &/or Katherine Smith (applicant) filed an application for transfer of water right 37-02041B with the department proposing the change of point of diversion and place of use of license 37-02041B for 0.36 cubic feet per second of water from Sampson Creek tributary to Soldier Creek. The right is used for irrigation of 23 acres in Camas County, Idaho.
2. The department reviewed the application and found that several items needed to be clarified, including the issue of the present overlaps with other rights and the use of license 37-02041B. If the application was approved based on the current evidence of water use and available information it would appear that the proposed change constitutes an enlargement of the original right. The department corresponded with the applicant on August 30, 1996 and requested the applicant contact the department to clarify the overlap of other rights and to describe how the right was presently used. The applicant did not respond.
3. On September 16, 1996, the department again corresponded with the applicant and requested the applicant contact the department. The applicant did not respond.
4. On October 10, 1996, the department conducted a field review of the present place of use to attempt to clarify matters but was not able to resolve the issues.
5. On October 22, 1996, the department again corresponded with the applicant by certified mail but the letter was returned unclaimed.
6. On November 18, 1996, the department sent a final letter requesting the applicant to contact the department by November 29, 1996. The applicant did not respond.

CONCLUSIONS OF LAW

1. Section 42-222, Idaho Code, provides in pertinent part as follows:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, the change is consistent with the conservation of water resources within the State of Idaho and is in the local public interest as

2. Section 42-204, Idaho Code, provides in pertinent part as follows:

If the application is returned to the applicant or the department shall request additional information and the applicant fails to return the corrected application or to supply the needed information within thirty (30) days, the department may void the record of said application and notify the applicant of such action.

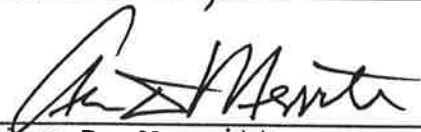
3. The applicant has not responded to the department and has not provided the information requested.

3. The department should void the record of the application pursuant to Section 42-204, Idaho Code.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Application for Transfer in the Name of Greg &/or Katherine Smith of Right No. 37-02041B is VOIDED pursuant to the provisions of Section 42-204, Idaho Code.

Dated this 2nd day of January, 1997.


Allen D. Merritt
Southern Region Manager

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of January, 1997, a true and correct copy of the foregoing Preliminary Order was forwarded with all required charges prepared, by the method(s) indicated below, to the parties listed:

Mary Baldwin
Secretary

Greg Smith
PO Box 406
Fairfield ID 83327

Hand delivered	<u> </u>
U.S. Mail-Regular	<u> x </u>
U.S. Mail-Certified	<u> x </u>
Fax	<u> </u>

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: *AM / TR 137.2041*

4a. Article Number

1688

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

GREG SMITH
PO BOX 406
FAIRFIELD ID 83327

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

PS Form 3811, December 1991

★U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE ST E
TWIN FALLS ID 83301
(208) 736-3033

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

November 18, 1996

Greg Smith
PO Box 406
Fairfield, ID
83327

RE: Application for Transfer of Water Right 37-02041B, Sampson Cr.

Dear Mr. Smith;

My letter of 10-22-96 regarding the above-referenced application was returned to this office, as you did not pick up your mail. This is a last attempt to contact you regarding this matter. A copy of my previous letter is enclosed.

Please contact me by November 29 if you are still interested in this transfer. If I do not hear from you by then, your application will be returned to you without further action. Your filing fee will not be refunded due to the amount of field work that has already been done.

Sincerely,

James E. Stanton
Sr. Water Resource Agent



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE AVE
TWIN FALLS ID 83301
(208) 736-3033

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

November 12, 1996

Hailey Realty
PO Box 453
Fairfield, ID
83327

RE: Water Rights of Greg Smith in Camas Co.

Dear Sir;

Per your request, enclosed are water rights and SRBA claims for the lands of Greg Smith near Fairfield. As we discussed, Mr. Smith has a pending application for transfer to move water upstream on Sampson Creek. But due to a lack of cooperation from Mr. Smith, I have not been able to analyze the application properly prior to advertising. Unless I hear from Mr. Smith by this Friday, his application will be returned to him without further action. This does not invalidate the water rights, but does void the application for transfer. Any information developed during analysis of the application will be added to the SRBA files to aid their work on these claims. It will be several years before the SRBA work starts in Basin 37.

With regard to the property on Camas Creek owned by Mr. Smith, it is questionable if there any valid water rights on this land. I did find an old license that covers land in Sec. 30 & 31, but the SRBA claim may not cover the Smith property. Lynn Stevenson did own some land in those sections also, but did not claim any of it in the adjudication.

If you have further questions, feel free to contact me.

Regards,

James E. Stanton
Sr. Water Resource Agent

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
222 Shoshone Street East • Twin Falls, Idaho • 83301-6105

NAME _____
1st _____
2nd _____
Address _____


☐ Forwarding Order Expired
☐ Invalid Address
☒ Incorrect, Left No Address
☐ Undelivered ☐ Refused
☐ Attempted - Not Known
☐ No Such Street
☐ No Such Number
☐ No Receipts
☐ Deceased
☐ Vacant

OCT 24 1996

10-29-94

11-4-96

11-8-96


2523

NAME _____
1st _____
2nd _____
Address _____

CERTIFIED

1687

GREG SMITH
PO BOX 406
FAIRFIELD ID 83327

NOV 12 1996

Department of Water Resource
Certified Mail

[Redacted]

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to: *JS/TR/37-2041*

GREG SMITH
PO BOX 406
FAIRFIELD ID 83327

5. Signature (Addressee)

6. Signature (Agent)

4a. Article Number

1687

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

Thank you for using Return Receipt Service.



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE ST E
TWIN FALLS 83301
(208) 736-3033

PHILIP E BAILL
GOVERNOR

KARL J DREHER
DIRECTOR

October 22, 1996

Greg Smith
PO Box 406
Fairfield, ID
83327

RE: Application For Transfer of Water Right 37-02041B, Sampson Creek

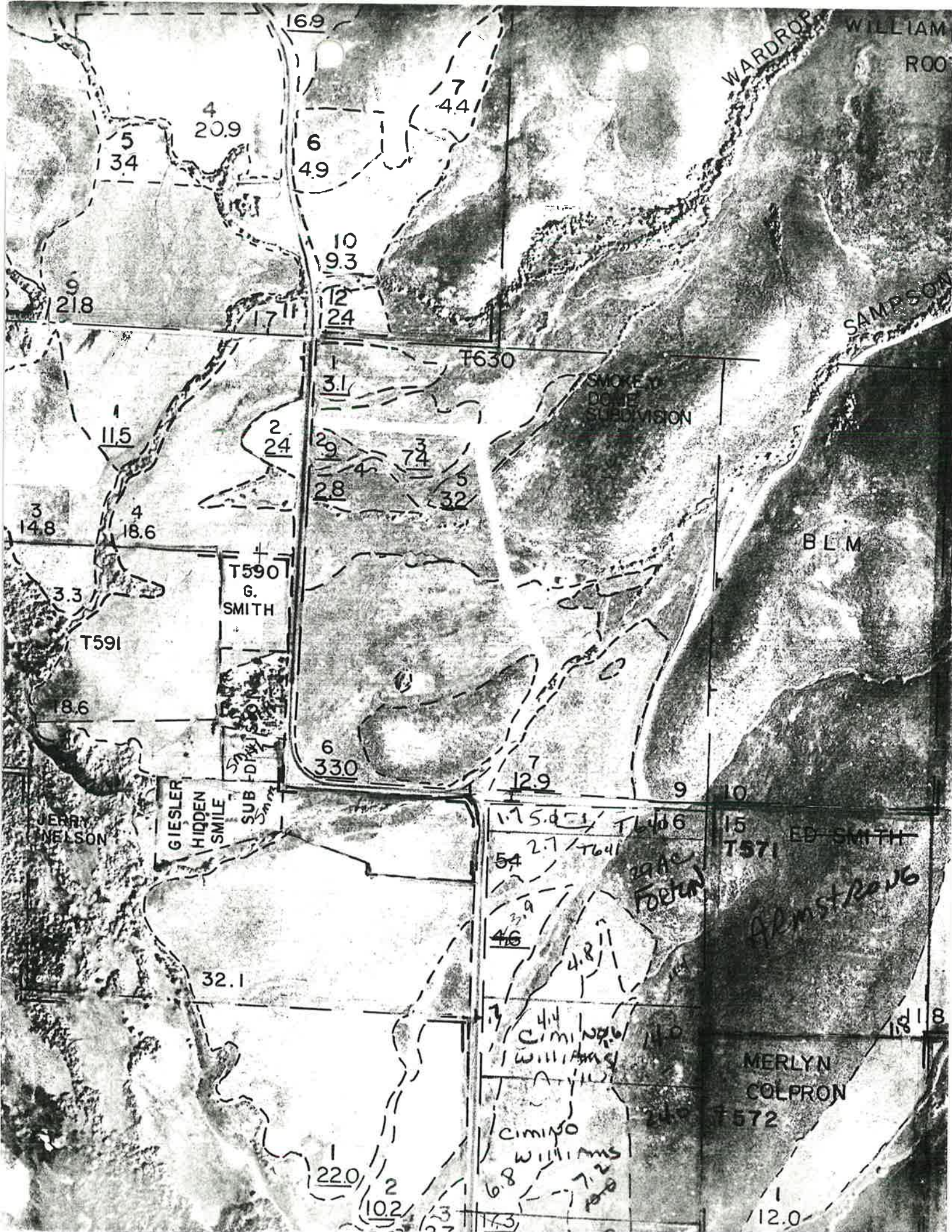
Dear Mr. Smith;

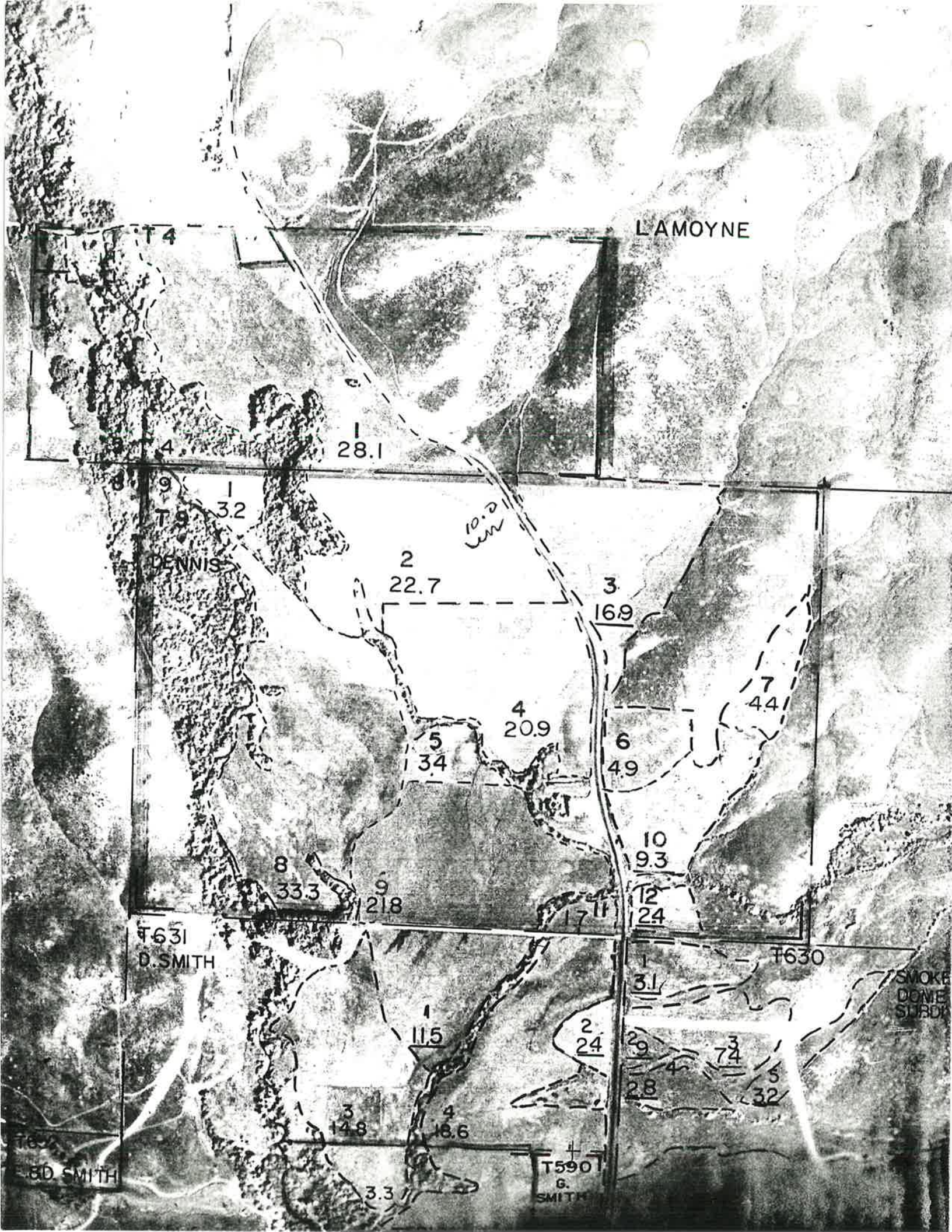
We are still attempting to clarify how water has been historically used on the original place of use under this transfer. I have visited the property twice on my own, as I have not been able to contact you by telephone. I observed how water gets from Sampson Creek to the north end of your property, but could not determine how water gets into the standpipe and gated pipe on the south end of the place. Also, it is unclear how Soldier Creek water gets to the north end of the place.

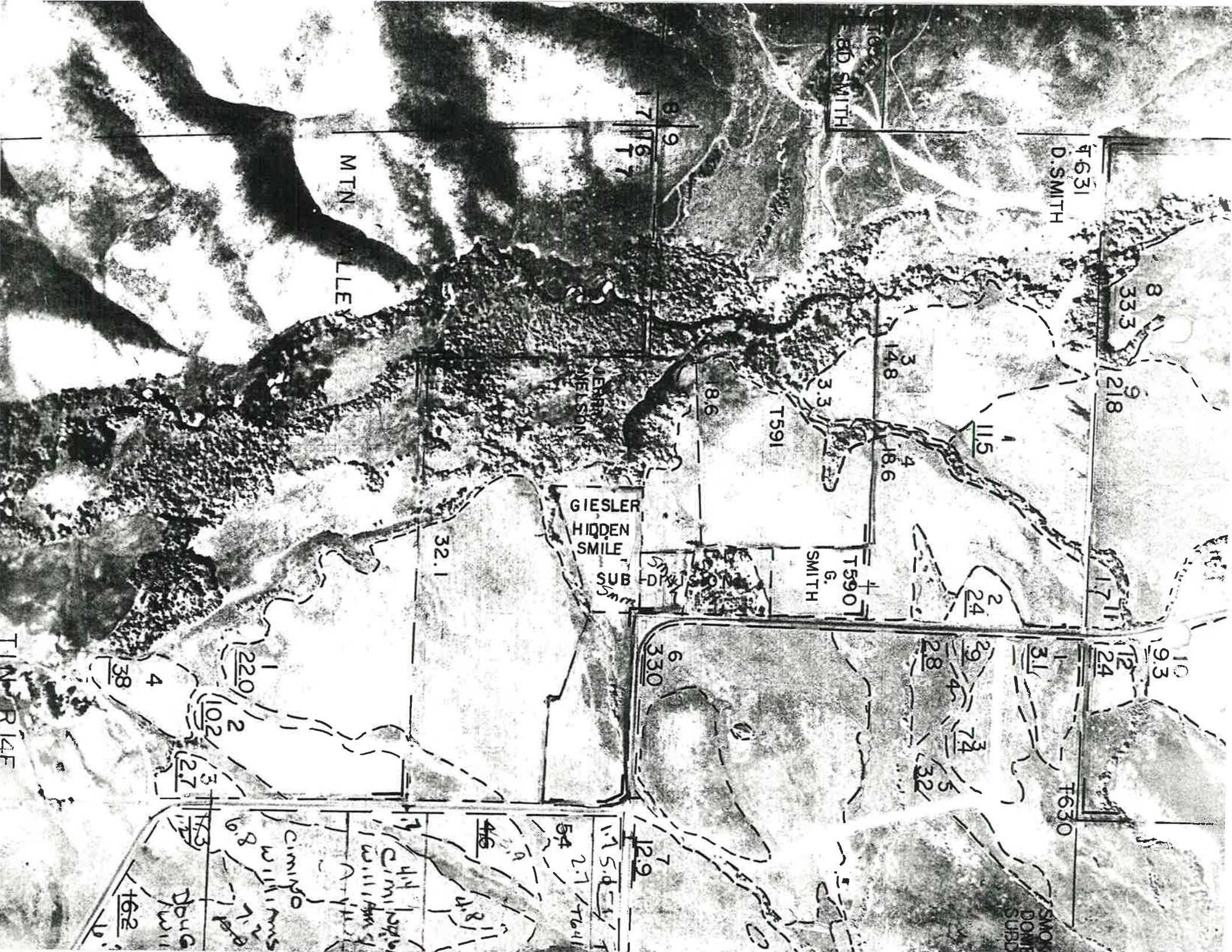
These questions need to be answered before the transfer can be advertised. We have been trying to schedule a field visit with you since early August without success. Please contact me by November 15 on this matter. If I do not hear from you by then, I will assume that you are no longer interested in this application. If this is the case, your application will be returned to you without further action.

Sincerely,

James E. Stanton
Sr. Water Resource Agent







T6301
D. SMITH

T6301
D. SMITH

MTN
LLEY

LENN
NELSON

GIESLER
HIDDEN
SMILE

SUB
DIVISION

T5901
SMITH

T630

SMO
DON
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11.5 d 3.7

5.4 2.7 7.6 11

4.6 4.8

4.4 Cimino
williams

4.8 Cimino
williams

4.3 Dbug
williams

16.2

TIN RIAE

TO: File

DATE: October 10, 1996

FROM: Jim Stanton

SUBJECT: App. For Transfer, Greg Smith

On 10-8-96, I visited the original p/u & p/d in a pre-transfer exam. The subject property appears to be irrigated from 2 points of diversion on Sampson Creek. The upper diversion is along the east side of a hill near the east boundary of Sec. 9. There are no controlling works; the ditch is slightly lower in elevation than what is labeled as the main channel on the quad map. The few inches of flow were all going down the ditch, while the main channel was dry. The ditch flowed around the hill, then turned straight west and across the county road. Flows were so low that no water reached the road during my visit. The ditch was very shallow, rocky and overgrown with brush. After crossing the county road, the ditch went into a standpipe. From the standpipe, a surface mainline went straight south just inside the Smith property for about 1/16 mile. A gated pipe continued south from the mainline to the north driveway into the building area, bending to the west along the north side of the driveway. The gated pipe could be used to water pasture in this area. The gated pipe could also feed water into 2 ditch to water a small apple orchard on the south side of the driveway. There is no use of water south of the orchard, as the area is driveway, corrals, and sagebrush.

There appears to be some irrigation in Sec. 16 west of where the county road makes a sharp left turn (NW/NE Sec. 16). There is a standpipe along the east side of the property, and 2 sections of gated pipe are connected to the standpipe. The area under the standpipe is in sparse grass instead of the heavy sagebrush that covers the lower part of this area. I did not have time to find the source of water for the standpipe, but it would have to be on Sampson Creek below the previously-described diversion.

There is a concrete diversion structure on Sampson Creek below the county road, but this structure does not appear to have provided any beneficial use. The north "ditch" runs right back into the creek, and the south ditch runs thru heavy sagebrush.

The original p/u has 2 rights from Soldier Creek claimed on it, but I did not see any way to get water from this source to the property. This land is much higher in elevation than Soldier Creek, and I did not see any connection between Soldier Creek and the diversion works described above. Any ditch system would lose much more water than it could ever deliver to these lands. Mr. Smith was not there during my inspection, so I will discuss these rights with him further in an effort to clear up the overlap question.

Due to a lack of water and the lateness of the season, there was no irrigation occurring during my visit. There was no sign of recent

water usage. However, the 2 systems did appear to be capable of carrying water. So barring information to the contrary, I will recommend the land covered by these systems as a basis for the transfer. I still need an ASCS photo to properly describe this ground.



Other Pitch From Gated Pipe



Orchard



South End of Orchard



Corrals South of Orchard

37-2041 10-8-96
JES



Upper Sampson Cr. Diversion



Ditch East of County Road



Standpipe From Ditch To Mainline



Ditch Into Orchard

37-2041 10-8-76
JES



Standpipe & Gated Pipe



Sampson Creek Below Road



Place of Use - Lower Diversion

M E M O

TO: File - Smith, Greg E. &/or Katherine
FROM: Georgia Satterlee
DATE: 04 October 1996
RE: Transfer per #37-02041B WR & AJ

Application for transfer requests to change point of diversion (from Sampson Creek) and place of use (approximately 23 acres) further upstream.

On 08 October 1996, the existing place of use was visited by Jim Stanton. His report and photos are on memo dated the same.

Research show two other claims, 37-00678B and 37-00680B, overlap with the current place of use for 37-02041B. The possibility of an expansion is questioned. There were several attempts to contact Mr. Smith to clarify the issue of the overlap. Mr. Smith did not return any correspondence. It was decided to process the application as it is, however, point out the claims that may be in conflict.

Conditions for the proposed transfer of 37-02041B:

1. The claims that are in conflict with said transfer, 47-00678B 47-00680B, either add them to the proposed transfer, or relinquish the rights in order to transfer 37-02041B.

*Jim gave Smith until 15 Nov-96
to act then the app. will be
withdrawn & money or not ?
Refunded.*



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

September 16, 1996

Greg and/or Katherine Smith
PO Box 406
Fairfield, ID. 83327

RE: Transfer per 37-02041B, 37-00678B, 37-00680B

Dear Mr. & Mrs. Smith:

This is the second attempt to contact you in writing regarding the application for transfer you filed in our office. The first letter was dated August 30, 1996.

There are a few issues that need to be clarified on the original transfer application. The transfer proposes to change the place of use and point of diversion for Water Right 37-02041B. This change is to move the irrigated acres further upstream on the Sampson Creek.

Our records show that other water rights, 37-00678B and 37-00680B, overlap with the current place of use for 37-02041B. Your current transfer application would be considered an expansion and could not be approved.

You need to address these other water rights and/or possibly modify your recent application so the department can continue processing and possibly consider the application for approval.

Please call and set up an appointment with this office.

Cordially,

Georgia Satterlee



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
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PHILIP E. BATT
Governor

KARL J. DREHER
Director

August 30, 1996

Greg and/or Katherine Smith
PO Box 406
Fairfield, ID. 83327

RE: Transfer per 37-02041B, 37-00678B, 37-00680B

Dear Mr. & Mrs. Smith:

This letter is in regards to the recent application for transfer submitted by you. As you and I discussed on the phone recently, before the application can be processed, there are a few issues that need to be clarified.

The original transfer application proposes to change the place of use and point of diversion for Water Right 37-02041B. This change is to move the irrigated acres further upstream on the Sampson Creek.

Our records show that other water rights, 37-00678B and 37-00680B, overlap with the current place of use for 37-02041B. Your current transfer application would be considered an expansion and could not be approved.

You need to address these other water rights and/or possibly modify your recent application so the department can continue processing and possibly consider the application for approval.

Please call and set up an appointment with this office. Thank you for your attention in this matter.

Cordially,

Georgia Satterlee
Water Resource Agent

6/9/94

COMMUNICATION DOCUMENTATION

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 Georgia Satterlee

DATE

August 20, 1996 9:24am

CUSTOMER

Smith, Greg

SUBJECT: Transfer #37-02041B

phone call (x) walk-in (.)

Called Mr. Smith and talked to Mrs. Smith, Kathryn. I acknowledged the appt. Smith missed 13 August, and re-interated the need to rectify the transfer. She affirmed this and said the message will be passed to Mr. Smith. I said a good time to do this will be Friday, 23August, all day...

29 AUGUST 96

NO CONTACT FROM SMITH'S.
WROTE LETTER, 30 AUG 96.

540 hp 320' to water 45 psi designed for 3600 7.85 gfs theoretical
3521

572 hds x 4 gpm = 2688 gpm, 900 gpm pivot

Dorey Smith - The Real Estate Co. 726-1881

	Patrick	\$347.63	159.05 cr
	~~Querry~~	47.81	42.08 cr
Querry	~~Swan~~	131.80	40.34 cr
Swan	~~Swan~~	581.78	225.96 cr
Swan	Canal	72.39	44.46 cr
Canal	Cedar Mesa	1138.72	344.12 cr
Cedar Mesa	Sheep Co.	2429.13	411.38 debit
Sheep Co.		131.34	16.50 cr

Patrick	200.95	4.82 debit
~~Drawn~~	35.79	4.50 cr
~~Swan~~ Drawn	80.91	9.27 cr
Swan	141.48	6.95 debit

Fields ^{Land} Stewart
Carnes Co.
15 14 E S. 31
NE/NW [↑] S. 30

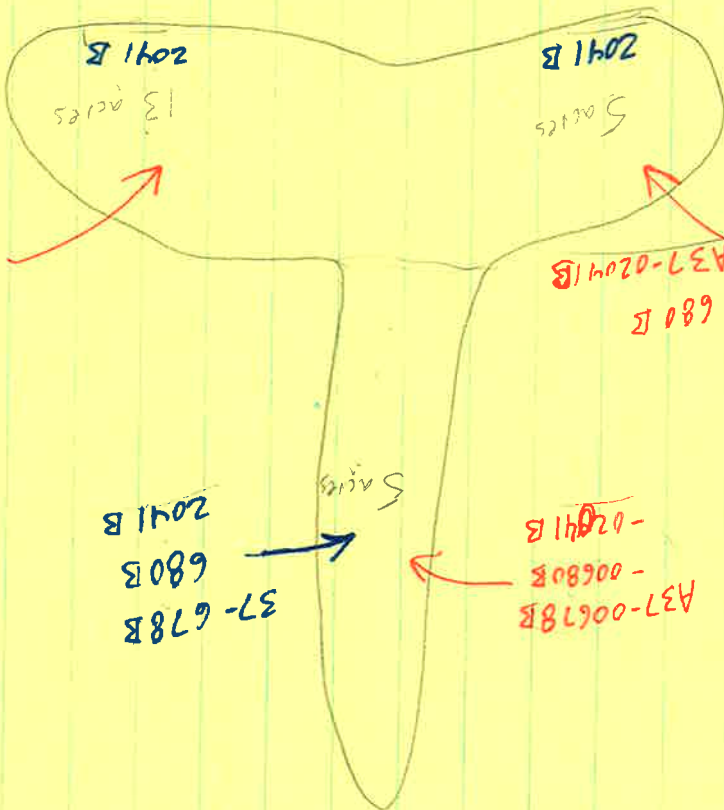
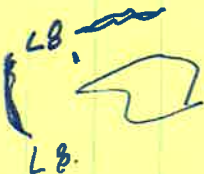
Mailey Realty
PO 453
Fairfield 83327

A37-06580 B
678 B
2647 B
13040



North
Sacre (all 3)

23 acres



A37-02041 B
- 00680 B

A37-00680 B
A37-02041 B

A37-00678 B
- 00680 B
- 02041 B

37-678 B
680 B
2041 B

89 ← 30 acres

87 ← 12 acres

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: SATTERLEE, GEORGIA Date 4/01 Katherine

1. Right number 27-020412 Applicant Grey E. Smith
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____
4. Check:
- a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
- b. ☒ Description of original point of diversion.
- c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
- a. ☒ All of right.
- b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- c. ☒ Check description of point(s) of diversion.
- d. ☒ Check description of place of use.
- e. ☒ Check map (shows p.d. and p.u. after transfer)

WR
/

AJ
/

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Wardrop, Lyda A.	2.9		37-2041
2487	Pauls, Clarence et al	2.9		37-2041
3312	Giesler, Richard B.	0.36		37-2041B
		0.64		37-2041C
	Pauls, Clarence et al	1.9		37-2041A

date 1980s?

1987 July 09

remain E

1.0

37-02041 B

0.36 I/D 23 ac.

37-02041 C

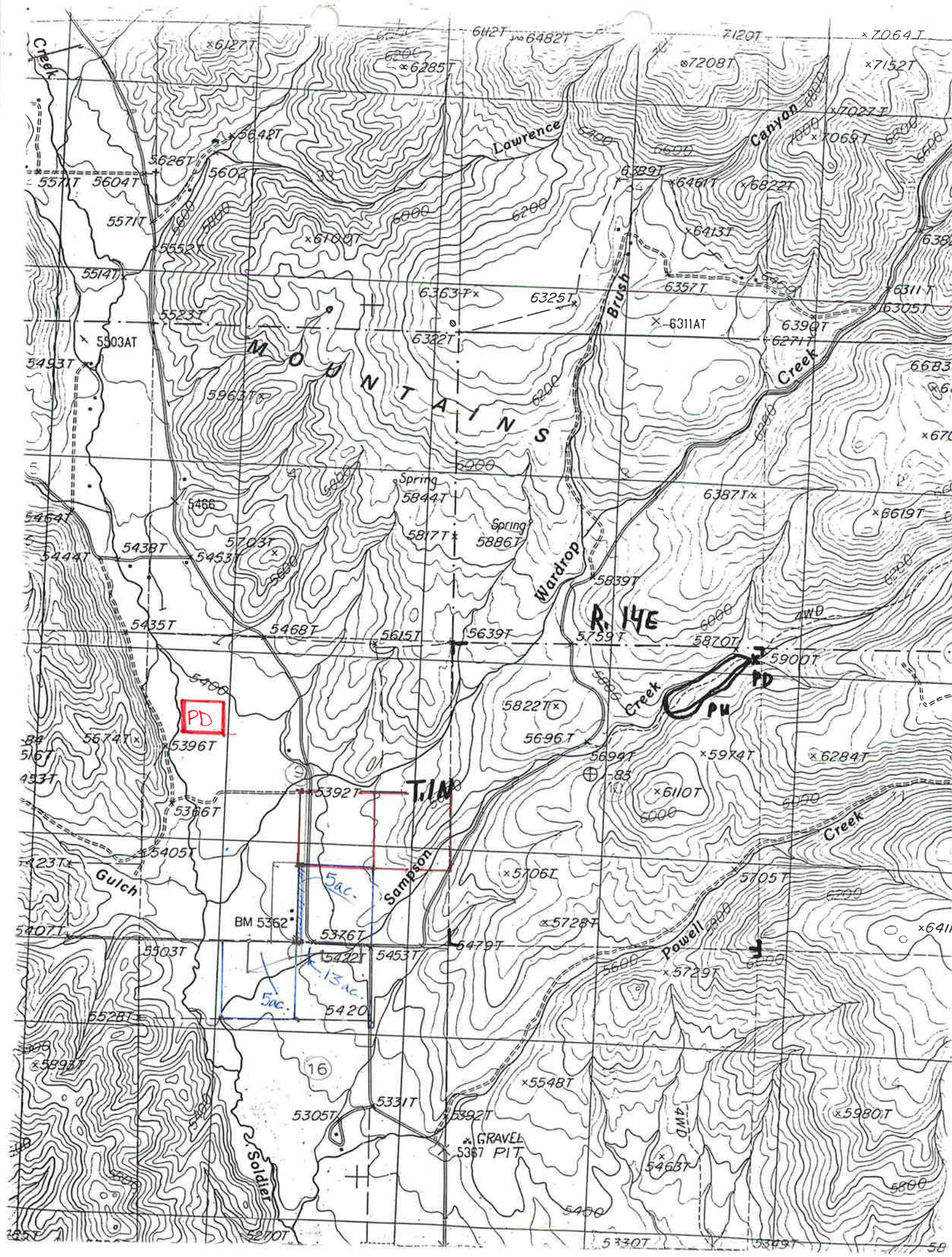
0.64 I/D 32 ac.

A

N

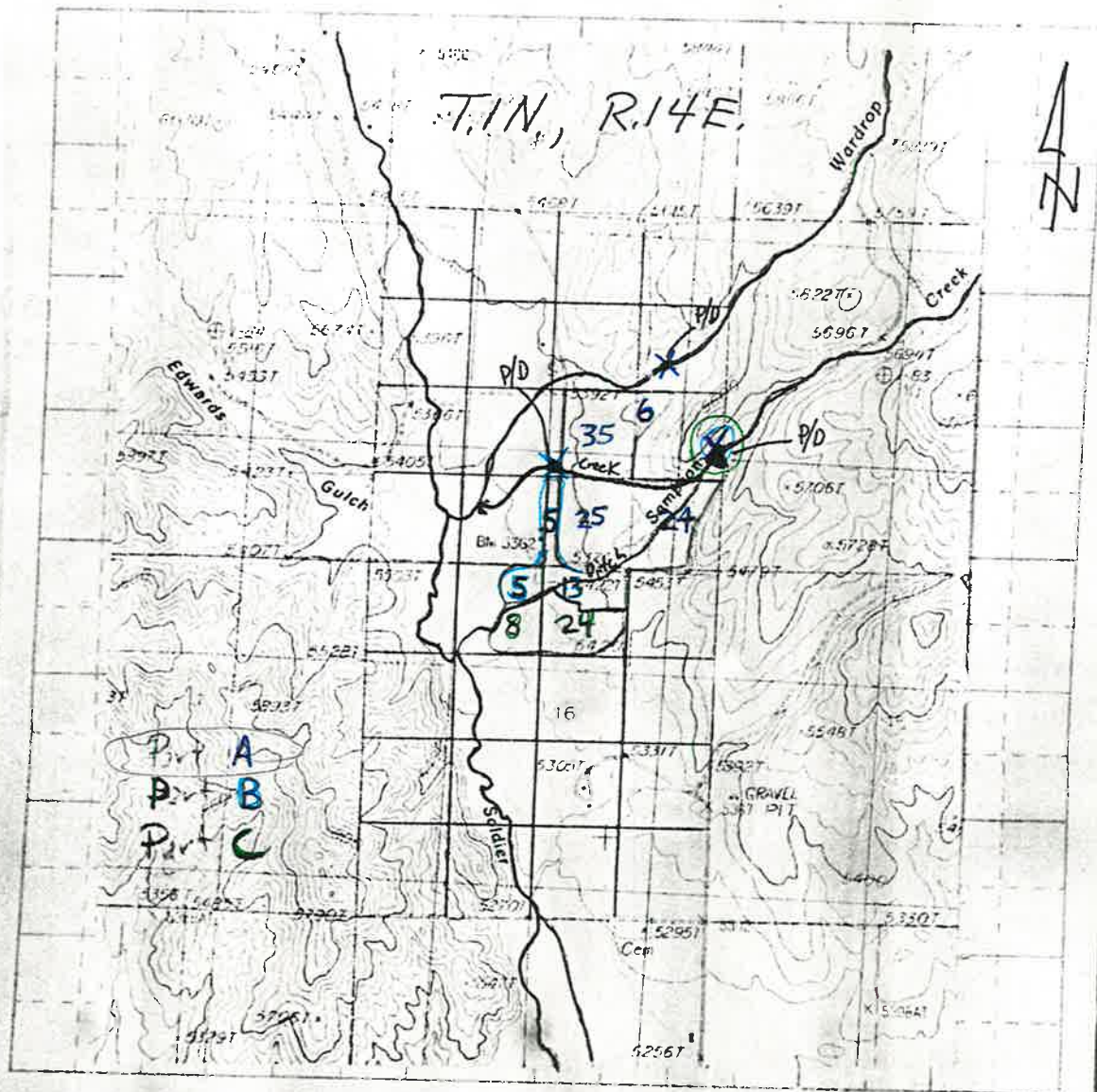
S

E



PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion or for the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

15

Totals

5

50

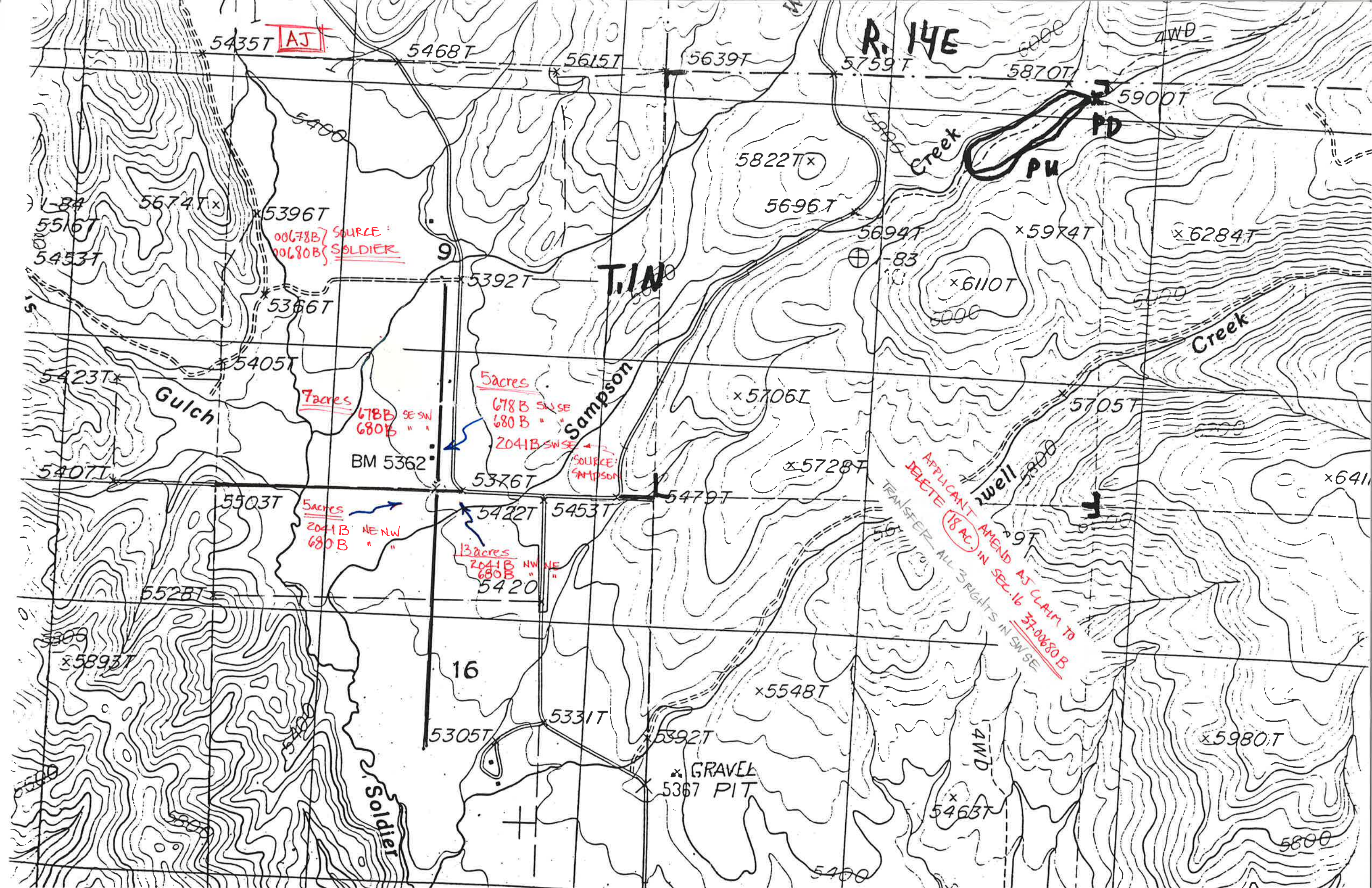
55

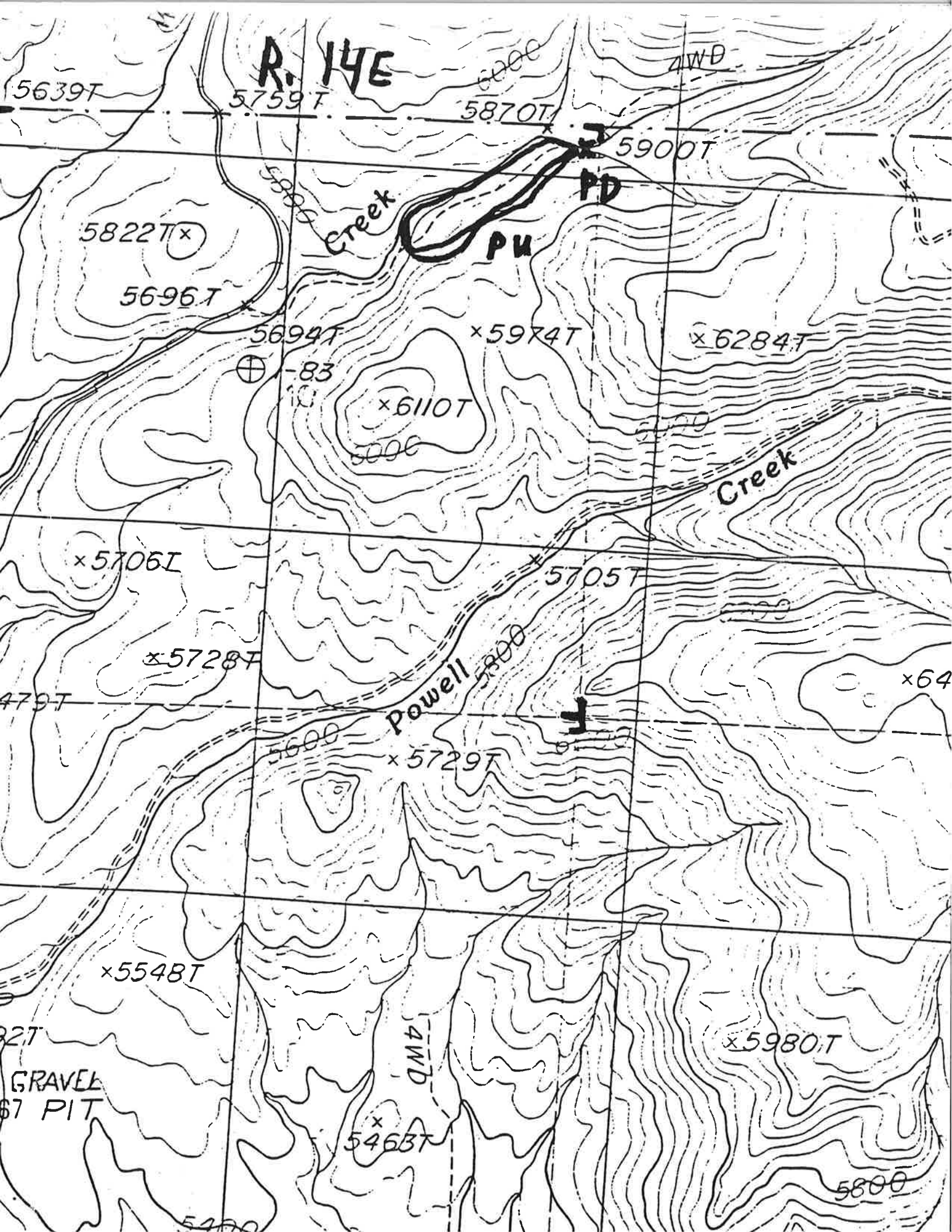
5

Totals

0

2





6/9/94

COMMUNICATION DOCUMENTATION

Claim No. SEE BELOW

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 Steve Clelland *SC*

June 16, 1997 9:44am

NAME:

STEVE CLARIDGE ~~(SP?)~~

CALLIN

RE:

QUESTIONS ON SOLDIER CR.

TARA FORWARDED THE CALL ON TO ME ALONG WITH COPIES OF THE PROOFS FOR **A37-02041B**, **A37-00678B** & **A37-00680B**. HE WANTED TO KNOW ABOUT ADJUDICATIONS AND THE PROCESS THESE RIGHTS ARE GOING THROUGH... WHICH I EXPLAINED.

HE ASKED ABOUT THE WATERMASTER OF THE AREA AND I STARTED TO REFER HIM TO LEE PETERSEN THEN CHECKED OUR RECORDS AND FOUND CLAUDE HINKLE WAS THE LAST KNOWN CONTACT FOR THE AREA. I GAVE HIM THIS INFO AND REFERED HIM TO CONTACT TIM LUKE IN BOISE FOR MORE INFO ON WATER DISTRICTS.

HE ASKED TO HAVE TARA FAX THE PROOFS AT 764-9229.