

# 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 BEAR RIVER BASIN WATER SYSTEM**

**CIVIL CASE NUMBER: 79576**

Claim ID: 11-7551

Date Received: 1/17/24

Receipt No: 2000219

Claim Fee: 25.00 By: nrb

**RECEIVED**

**JAN 17 2024**

## NOTICE OF CLAIM TO A WATER RIGHT

**ACQUIRED UNDER STATE LAW**

**For Domestic and/or Stockwater Purposes**

**Where Daily Use is less than 13,000 gallons per day**

**IDWR/Preston**

**Please type or print clearly**

1. Name of claimant(s) Janet Smith Trust Phone (208) 409-2357  
 Mailing address 2808 E Hwy 36 Preston ID Zip 83263  
Street or Box City State  
 Email address (optional) ashkc09@hotmail.com
2. Date of priority: (Only one per claim) 12/31/1900 (Explain priority date selected in Remarks)  
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water ( ) or Other (✓) (a) Spring  
 which is tributary to (b) Morgan Creek
4. Location of point of diversion is: Township 12S, Range 42E, Section 24,  
NW 1/4 of NE 1/4, or Govt. Lot \_\_\_\_\_ BM, County of \_\_\_\_\_;  
 Parcel no. \_\_\_\_\_  
 Additional points of diversion, if any: \_\_\_\_\_  
 If available, GPS coordinates: \_\_\_\_\_
5. Description of diverting works (wells, pumps, spring boxes, pipelines, etc.) including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.  
Spring box down a pipe to a pump. Then pumped to two water troughs. One up on on the hill and one in the field.
6. Water is claimed for the following: (limited to domestic and/or stockwater uses - see page 1 of the instructions)  

|                                                                                     | Month/Day | Month/Day | cfs (✓) or AFY ( ) |
|-------------------------------------------------------------------------------------|-----------|-----------|--------------------|
| For <u>Stock Water</u> purposes from <u>04/01</u> to <u>10/31</u> amount <u>.02</u> |           |           |                    |
| For _____ purposes from _____ to _____ amount _____                                 |           |           |                    |
7. Total quantity claimed .02 cfs (✓) or AFY ( )
8. Non-irrigation uses. Describe fully. (Domestic: give number of homes; Stockwater: list number and kind)  
Stockwater

9. Location of place of use is: Township 12S, Range 42E, Section 13,  
SE 1/4 of SE 1/4, Govt. Lot \_\_\_\_\_ BM, Parcel no. \_\_\_\_\_  
If different than shown in Item 4  
for (check one) **Domestic** ( ) **Stock** (✓) **Domestic and Stock** ( )

Additional places of use, if any 12S, 42E, 24 NENE, NWNE

10. In which county(ies) are lands listed above as place of use located? Bear Lake

11. Do you own the property listed above as place of use? Yes (✓) No ( )  
If the answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.  
\_\_\_\_\_ or None (✓)

13. Remarks (include an explanation of the priority date selected):  
This system was put in by my uncle who worked with the NRCS to install a spring box and stock water sytem.  
The priority date was choosen when they installed the water system prior to me running the place.

14. Basis of claim (check one) **Beneficial Use** (✓) **Posted Notice** ( ) **License** ( ) **Permit** ( ) **Decree** ( )  
Court \_\_\_\_\_ Decree Date \_\_\_\_\_ Plaintiff v. Defendant \_\_\_\_\_  
If applicable provide IDWR Water Right Number 11-7551

15. **Signature(s)**  
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Bear River Basin Water System Adjudication."  
(b.) I/We do ( ) do not (✓) wish to receive and pay a small annual fee for monthly copies of the docket sheet.  
Number of attachments: \_\_\_\_\_

**For Individuals:** I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

**For Organizations:** I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

Trustee of Janet Smith Trust,  
Agent's title (Please print) Name of organization (Please print)

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

Signature of Authorized Agent KC Smith Date 1-17-24  
Printed Name of Authorized Agent KC Smith

16. **Notice of Appearance:**  
Notice is hereby given that I, (please print) \_\_\_\_\_, will be acting as attorney at law of behalf on the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Address \_\_\_\_\_

Name of claimant(s) \_\_\_\_\_ Claim ID \_\_\_\_\_

# IDAHO DEPARTMENT OF WATER RESOURCES

## WATER RIGHT REPORT

1/10/2024

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 11-7551

| <u>Owner Type</u> | <u>Name and Address</u>                                               |
|-------------------|-----------------------------------------------------------------------|
| Current Owner     | STEVEN REED SMITH<br>2674 E HWY 36<br>PRESTON, ID 83263<br>2083390855 |

Priority Date: 12/31/1900

Basis: Statutory Claim

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| SPRING        | MORGAN CREEK     |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| STOCKWATER            | 04/01       | 10/31     | 0.02 CFS              |               |
| Total Diversion       |             |           | 0.02 CFS              |               |

Location of Point(s) of Diversion:

SPRING|NWNE|Sec. 24|Township 12S|Range 42E|BEAR LAKE County

Place(s) of use:

Place of Use Legal Description: STOCKWATER BEAR LAKE County

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 12S             | 42E          | 13             |            | SESE         |              |            |              |              |            |              |              |            |              |              |
|                 |              | 24             |            | NENE         |              |            | NWNE         |              |            |              |              |            |              |              |

Conditions of Approval:

1. 107 This notice was filed in accordance with Section 42-113(3), Idaho Code. Diversion and use of water in accordance with this notice shall not exceed 13,000 gallons per day for stockwater use. The water delivery system established in accordance with this notice shall be fully enclosed and shall be equipped with an automatic shutoff valve or a mechanism for returning unused water to the source through an enclosed system. The water delivery system shall be designed to facilitate measurement of the rate of flow through the system.

Dates:

Licensed Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 04/26/2006

Protest Deadline Date: 06/05/2006

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 11

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False