

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: A36-04219
Date Received: 1/10/1990
Receipt No: E011602
Received By: Kew

COPY
FOR YOUR FILES
DO NOT RETURN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SMITH RANCHES INC.
Address: P.O. BOX 106
DARLINGTON, ID 83231

208-554-2303
RECEIVED

2. Date of Priority: JUN 30, 1965

JAN 10 1990

3. Source: UNNAMED STREAM Trib. to: SINKS Department of Water Resources
Southern Region Office

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	27E	24	NE	NE			BUTTE

5. Description of diverting works:
RESERVOIR WATER TRANSPORTED BY TANKER TO STOCK TROUGHS & PONDS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER STORAGE	01/01	12/31			4.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 4.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/1800 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	27E	26	NE	SE		STOC S	
		28	NE	SE		STOC S	
01S	27E	2	SE	SE		STOC S	

A36-04219 Page 1 Date: 01/10/90

MICROFILMED
OCT 19 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	27E	24	NE	NE		STOC S	
	28E	8	NW	SW		STOC S	
		28	NE	SE		STOC S	
		32	NW	NW		STOC S	

11. Place of use in counties: BUTTE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:
SOURCE IS SNOW MELT
CLAIMANTS ARE THE BLM PERMITEE

15. Basis of Claim: STATUTORY CLAIM

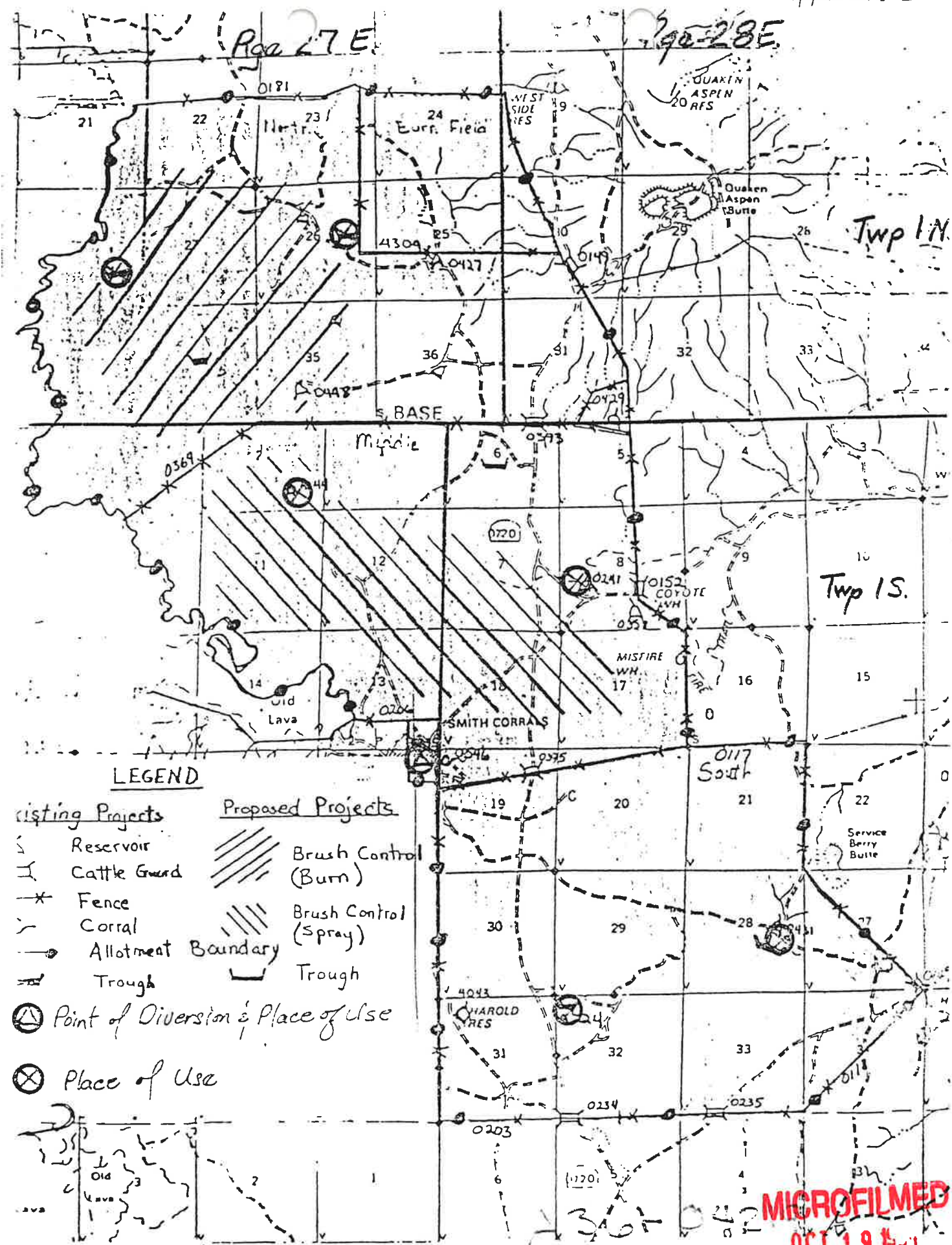
MICROFILMED
OCT 19 1994

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

I do solemnly swear or affirm that I am Vice President of
 Title
Smith Ranches, Inc., that I have signed the foregoing
 Organization
 document in the space below as Vice President of
 Title
Smith Ranches, Inc. and that the statements contained in the
 Organization
 foregoing document are true and correct. Harold E. Smith

State of Idaho)
County of Bonnerville) SS.

Carter Fritschle, Notary Public
Residing at Engle, Idaho
My commission Expires March 21, 1994



Prelim. check by HWT Date 6-25-61
 \$30.00 fee received by HWT Date 6-21-61
 Published in area advertisement #2062
 Dates 8/21/61 9/1/61 9/15/61

claimant by: 3607042

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OCT 19 1961



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

16-Oct-1992

Smith Ranches Inc
PO Box 106
Darlington ID 83231

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim: A36-04219

Dear Gentlemen:

On August 31, 1992, the USDI Bureau of Land Management (BLM) submitted Notices of Claim to Water Rights located on BLM lands within the Department's administrative Basin 36 boundary. Your Notice of Claim referenced above was filed for a portion of water uses on BLM lands for which BLM has filed claims. Any rights you may have filed on BLM lands for which no claim was filed by BLM will remain in your name.

Based on information currently available to the Department, the water right for these uses are held by the BLM. Therefore, your claim are being partially disallowed and the use recommended under the BLM claim. The portion disallowed is the portion located in the NENE.

The final Director's Report for Basin 36 is due to be filed with the court on November 1, 1992. Therefore, if you have any questions concerning these recommendations, you may contact us for copies of these rights. In the Notice of Director's Report, you will receive information about filing an objection if you disagree with any water rights or item within the Director's Report.

Sincerely,

Helen Harrington-Thornton
Water Resource Agent

HHT

MICROFILMED
FEB 05 1993

Water Right Number - R36-04219

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - +

+ - - - - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SMITH RANCHES INC

1 - PO BOX 106
2 -
3 -

State- ID Zip- 83231

*** O - ORIGINAL OWNER ***
SMITH

HAROLD E

1 -
2 -
3 -

State- ID Zip- 83231

+ - - Priority Date - - +
06/30/1965

+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +
J - BENEFICIAL USE

+ - - Status - - - +

+ - - Source - - - - - +

+ - - Tributary - - - - - +

UNNAMED STREAM

SINKS

+ - - Point of Diversion - - - - - +

Stream Index (Blank if no Index Code)

Tw	Rng	Sec	Tract	Lot	Rflg	County
01S	27E	24	NE NE	(23)	BUTTE	

+ - - Description

Period From

Period To

Water Use

Diversion Rate

Diversion Volume

05 - STOCKWATER STORAGE

01/01

12/31

4.00

4.00

4.00

+ - Total Div. Rate - +

+ - Total Div. Volume - +

+ - Total Div. Capacity - +

+ - Total Consumptive Use - +

+ - KW Usage - +

4.00

4.00

0.0

0.0

0.0

Tw	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
01N	27E	26	NE SE			05	STOCKWATER STORAGE	(23) BUTTE
01N	27E	28	NE SE			05	STOCKWATER STORAGE	(23) BUTTE
01S	27E	2	SE SE			05	STOCKWATER STORAGE	(23) BUTTE
01S	28E	8	NW SW			05	STOCKWATER STORAGE	(23) BUTTE
01S	28E	28	NE SE			05	STOCKWATER STORAGE	(23) BUTTE
01S	28E	32	NW NW			05	STOCKWATER STORAGE	(23) BUTTE

+ - - Diversion Means - RESERVOIR WATER TRANSPORTED BY TANKER TO STOCK TROUGHS & PONDS

+ - - Non-Irrigation Use - STOCKWATER, 1100 RANGE CATTLE

+ - - Other Rights for Same Use - NONE

+ - - Remarks

BLM GRAZING ALLOTMENT NO. 11045

MICROFILMED
FEB 05 1993

Water right number - R36-04219 Prefix Translation: RESEARCH

[illegible]

+ - - Audit Fields - 06/03/91 SRBA 09/09/91 SMITH 02/27/92 SMITH 07/18/92 POST-STD 08/03/92 WHITE 09/29/92 MCCARTHY

Date:	09/09/1991	User Id:	SMITH	Subject:	COPIED FROM REMARKS	-Comments-	+
SOURCE IS SNOW MELT							
GRAZING ALLOTMENT 11045							
CLAIMANTS ARE THE BLM PERMITEE							

Date: 08/03/1992 **User Id:** WHITE **Subject:** DATA ENTRY

CHANGE MADE TO MEET DATA ENTRY STANDARDS.

Date: 09/29/1992 User Id: MCCARTHY Subject: NENE, S24, T01S, R27E REMOVED FROM POU
THIS PLACE OF USE BELONGS TO BLM AND IS RECOMMENDED AS 36-02817 IN THEIR NAME. THE SOURCE IS THE SAME ON BOTH CLAIMS.

+ - - - - - 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	-	01/10/1990	Last Amended Date	-	00/00/0000	Temporary Right	-	P
Proof Due Date	-	00/00/0000	Proof Made Date	-	00/00/0000	Water District	-	
Licensed Date	-	00/00/0000	Receipt Number	-	E011602	Federal/State Indicator	-	S
Claims Tape Error Flag	-		POU Ownership Flag	-	N	Presumption Flag	-	
Fee Exempt Flag	-		Name Connector	-	OR	Notice of Error Flag	-	

+ - - OTHER RIGHTS FOR SAME USE - NONE

MICROFILMED
 FEB 05 1993

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

12/01/90 01:38:22
PAGE 2

WATER RIGHT NUMBER - A36-04219

ADJ. FLAG TRANSLATION: ADJUDICATION TEMPORARY WORK AREA

	REMARKS
	SOURCE IS SNOW MELT CLAIMANTS ARE THE BLM PERMITEE

```
+-----+-----OLD WATER RIGHT NUMBERS-----+
NO OLD WATER RIGHT NUMBERS FOUND.
```

+ - - - - - CONDITIONS OF APPROVAL - - - - - +
 NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - + + - - - - DECREE DEFENDANT - - - + + - DECREE DATE - +
00/00/0000+-----COMMENTS-----+
NO COMMENTS FOUND

+ - - AUDIT FIELDS - 01/10/90 WILSON

```
+ - - - - - +
```

	ADJUDICATION RIGHTS DATES AND FLAGS AREA	
--	--	--

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- - - - - +
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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	-	01/28/1986	OLD JUDICIAL DISTRICT	-	
CLAIM RECEIVED DATE	-	01/10/1990	LAST AMENDED DATE	-	00/00/0000	TEMPORARY RIGHT	-	P
CLAIMS TAPE ERROR FLG	-		RECEIPT NUMBER	-	E011602	WATER DISTRICT	-	
FEE EXEMPT FLAG	-		POU OWNERSHIP FLAG	-	N	FEDERAL/STATE INDICATOR	-	S
			NAME CONNECTOR	-	OR	PRESUMPTION FLAG	-	

BLM Land
Grazing allotment 11045
≈ 1100 head cattle

DATA ENTRY

ENTERED 5/3/91 SW

CHECKED 2/14/52 *AK*

DATA ENTRY

ENTERED 2-27-92

CHECKED 3/5/9- *AB*

"Verified By"
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED
MAR - 1991

CERTIFIED
APR 12 1991
WATER EXAMINER

RECEIVED

JUN 22 1993

Department of Water Resources
Adjudication Bureau

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 the Rights to the Use of Water
from the Snake River Basin
Water System

Case No. 36-04219
(Insert the Case No.
from the Objection
you are responding to)

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

RESPONSE TO OBJECTION

Petitioner,

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

Respondents.

INSTRUCTIONS

This form must be used to file a response to any objection filed against a water right recommended in a Director's Report. You may respond to objections filed against one water right, using one response form. The water right number listed as the "Case No." on the Objection you are responding to must be inserted above as the "Case No." If you choose to file one form to respond to all objections filed against the same water right, your response should cover every issue raised in the objections.

To respond to objections filed against more than one water right, you must file a separate response form for each water right. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your response by the deadline shown in the notice that IDWR mailed to you. The response must be received by the court on or before the deadline specified. Instructions for filing this response are found at Page 5, and must be strictly followed.

(Over)

RESPONSE TO OBJECTION - 1

Any party physically filing 25 (twenty-five) or more responses must make an appointment with the Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

By filing a response form, you are certifying that the response is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person responding to objection:

Name: Smith Ranches, Inc.

Address: P. O. Box 106

Darlington, ID 83231

Briefly describe your interest in this water right:

Please see attached.

2. Person who filed objection:

Name: K. Jack Haugrud/Daria J. Zane

Address: U. S. Dept. of Justice, 550 West Fort Street,

P. O. Box 33, Boise, Idaho 83734

3. If this response is filed by an attorney:

Attorney Name: M. B. Hiller, Esq.

Attorney Address: Hiller, Benjamin & Associates

P. O. Box 52020

Idaho Falls, ID 83405

Attorney Phone No.: (208) 525-3200

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

II. STATEMENT OF THE RESPONSE

Please check each "box" which identifies your response.

1. ☒ Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
2. ☐ Source: I respond to the objection concerning the source of water.
3. ☐ Quantity: I respond to the objection concerning:
 - a. ☐ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ Priority Date: I respond to the objection concerning the priority date.
5. ☐ Points of Diversion: I respond to the objection concerning the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I respond to the objection concerning the legal description of the beginning and ending points of the instream flow.
7. ☐ Purpose(s) of Use: I respond to the objection concerning the purpose(s) of use.
8. ☐ Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. ☐ Place of Use: I respond to the objection concerning:
 - a. ☐ the legal description of the place of use; or
 - b. ☐ the number of irrigated acres within each forty (40) acre subdivision.
10. ☐ Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.

(Over)

11. ☐ Remarks: I respond to the objection concerning the "remarks" listed with the water right.
12. ☐ Water Right Recommendation: I respond to the objection concerning:
- a. ☐ this water right being recommended at all; or
- b. ☐ this water right not being recommended.
13. ☐ Description of Reservation: I respond to the objection concerning the legal description of the reservation.
14. ☐ Other: I respond to the objection concerning: _____

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s), by number, for each box checked. You may use additional pages if necessary.

_____ Please see attached.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

_____ Please see attached.

Please note that you should attach copies of documents which support your response. Note on each document the "box number" it supports.

- ☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary: _____

_____ Please see attached.

VERIFICATION (Must be Completed)

State of Idaho

County of Bonneville

M. B. Hiller, being first duly
(Name of person filing response)
sworn, upon oath, deposes and says:

That I am the person or entity filing this response, that I am
a water claimant or party in this proceeding, as defined by I.C. §
42-1401A(1) and (7), and that I have read the foregoing response,
know its contents and that the statements contained therein are
true to the best of my knowledge and belief.

SMITH RANCHES BY.

MB Hiller

Signature of person filing response

By:

MB Hiller

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 21st day of June,
1993.

John L. Storer

Notary Public for Idaho

Residing at: Idaho Falls

My Commission expires: 4-13-99

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the
Clerk of the Court. **FAX filings will not be accepted by the Clerk
of the Court.** You must also send a copy to the owner of the water
right you responded to, if other than yourself; to the party who
filed the objection to which you are responding, if different from
the owner of the water right; to the office of the Attorney
General, State of Idaho; and to the United States Department of
Justice, as set out below in the Certificate of Mailing. Finally,
you must sign the Certificate of Mailing to show that you followed
these steps.

(Over)

CERTIFICATE OF MAILING

I hereby certify that on the _____ day of June, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Name: Smith Ranches, Inc.
Address: P. O. Box 106
Darlington, ID 83231

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

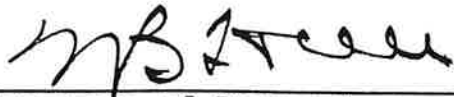
Name: K. Jack Gaugrud/Daria J. Zane
Address: U. S. Dept. of Justice, 550 West Fort Street,
P. O. Box 33, Boise, Idaho 83734

4. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

5. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734


Signature of Respondent or attorney
mailing on Respondent's behalf

Smith Ranches, Inc. responds to the objections all in accordance with the information contained in the attached May 26, 1993, letter from Smith Ranches, Inc.'s attorney, M. B. Hiller, to Daria J. Zane, Esq., Department of Justice, Washington, D.C.; further, Smith Ranches, Inc. believes that their initial applications for water rights are, in fact, valid, complete and proper, subject only to the conditions and/or revisions expressly noted and set forth in the aforesaid May 26, 1993, letter between M. B. Hiller and Daria J. Zane.

May 26, 1993

Daria J. Zane, Esq.
Department of Justice
E&NR Division
General Litigation Section
Washington, D.C. 20530

RE: **Smith Ranches, Inc.**
Right No. 34-10717 - Dry Fork
Right No. 36-04219 - Desert
Right No. 34-00439A - Antelope Creek

Dear Daria:

I represent Smith Ranches, Inc. and called your office concerning the objections filed. Although I left a message on your machine, I did want to get a letter to you so that you would have the information on hand when we discussed the objections. The three water rights under consideration are:

Right No. 34-10717 - Dry Fork
Right No. 36-04219 - Desert
Right No. 34-00439A - Antelope Creek

I will address each of these rights separately, with the request that you favorably consider my comments and withdraw the present objections.

On Water Right No. 34-10717, the circled entries identify BLM titled land. The water rights identified are in-stream use. Apparently your objection relates only to the circled descriptions which identify the BLM land. Should your office require clarification concerning the in-stream use at Dry Fork by Smith Ranches, Inc., we will be happy to provide that data to you. However, if necessary, Smith Ranches is willing to forego its claim to water rights on these two specific entries, namely:

S17 NWSE SESE
S20 NENE SENE

If your objection will be removed, Smith Ranches, Inc. is agreeable to merely foregoing its claim on the above two entries. If this can be accomplished, will you so advise.

Daria J. Zane, Esq.
Department of Justice
E&NR Division
May 26, 1993
Page 2

Your attention is next directed to Water Right No. 34-00439A - Antelope Creek. As we understand your objection, the objection relates to the one acre identified because that acre is on Federal land. We are unsure of why the one acre was identified in the water right and are again agreeable to omitting this acre thus allowing you to withdraw your objection. Please advise if this is acceptable.

On the final water right, No. 36-04219, your objection states that Pratt Lake Reservoir was built under a cooperative agreement with Leadbelt Cattle Association and the BLM in 1952. This information is incorrect. The Pratt Lake Reservoir was constructed by Harold Smith during the period 1962 to 1965. Prior to the construction of the Reservoir, there was a small pond near the construction site of the Reservoir. We can only conclude that the small pond is what you refer to in your objection. The Reservoir, as constructed by Harold Smith, is 100' x 300' and six (6) feet deep. Attached are the actual costs expended by Harold Smith. Additionally, Harold Smith built four (4) ponds (Service Berry, Muddy, Stadium, and No. 5 pond).

You will note from the attached records that the only contribution by the BLM was \$641.75 for plastic to line some of the ponds. Attached is BLM Form 4-1119 signed by Harold Smith and Jesse L. Kirk. No funds were expended by the BLM in the construction of the Pratt Lake Reservoir.

In 1975, the BLM was to construct six (6) troughs and proceeded to publish an Invitation for Bids (see attached). The BLM determined that the bids were too costly and never proceeded with the work.

In about 1981, Harold Smith agreed to construct four (4) troughs and the BLM agreed to furnish some of the material. The BLM manager, Brent Jensen, authorized the arrangement and Harold Smith proceeded to construct the four troughs.

In 1984, Harold Smith built one additional trough and the BLM agreed to furnish the necessary materials. We have enclosed the November 2, 1992, Water Right No. 36-04219 which clearly shows Pratt Lake Reservoir as a water right in the name of Smith Ranches, Inc.

Daria J. Zane, Esq.
Department of Justice
E&NR Division
May 26, 1993
Page 3

Following your review of the foregoing, we request that you withdraw your objection to the water right as the reasons listed on your objection are, in fact, incorrect. Smith Ranches, Inc. (Harold Smith) did construct the Reservoir and all ponds and troughs.

I have sent a copy of this letter to the Public Affairs Officer, BLM, Idaho Falls District Office, 940 Lincoln Road, Idaho Falls, ID, 83401. I would most appreciate hearing from one or both of your offices within the next several days. With the above explanations, I would request that the pending objections be withdrawn subject to the modifications noted above.

Thank you for your time and attention.

Very truly yours,

HILLER, BENJAMIN & ASSOCIATES

M. B. Hiller

MBH/bjp
Enclosures

cc: Harold Smith, Sr.
Public Affairs Officer, BLM

***THIS IS NOT A FINAL DETERMINATION OF YOUR CLAIM. YOU MUST FILE A NOTICE OF ERROR WITH IDWR IF YOU DISAGREE WITH THE PROPOSED RECOMMENDATION.**

BASIS OF CLAIM:

0.23 CFS BENEFICIAL USE
2.01 CFS

8425 2278

TRIBUTARY: ANTELOPE CREEK

(5)

(C) 1997

ה

WATER FOR DOMESTIC USE IS DIVERTED BY BUCKET FROM THE SOURCE-

YOUR WATER RIGHT AS RECOMMENDED IN THE SNAKE RIVER BASIN ADJUDICATION

NOV-2-1992

224

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATE

PURPOSE OF USE

PERIOD OF USE
FROM TO

MAXIMUM
QUANTITY

BASIS OF CLAIM

36-04219

SMITH RANCHES INC

06/30/1965 STOCKWATER STORAGE

01-01 12-31

4.00 AFY BENEFICIAL USE

PO BOX 106
DARLINGTON ID 83231

TOTAL VOLUME:

4.00 AFY

NON-IRRIGATION-USES:

STOCKWATER, 1100 RANGE CATTLE

SOURCE: UNNAMED STREAM

TRIBUTARY: SINKS

POINT OF DIVERSION:

T01S R27E S24

NENE

PLACE OF USE: STOCKWATER STORAGE

T01N R27E S26

NESE

S28

NESE

T01S R27E S02

SESE

R28E S08

NWSM

S28

NESE

S32

NWNM

BLM GRAZING ALLOTMENT NO. 11045

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
DENVER SERVICE CENTER



Schedule, General Provisions, Specifications and Drawing

SMITH TROUGHS

Idaho Falls District Office, Bureau of Land Management
Idaho Falls, Idaho
Telephone No. (208) 522-7460

Bids will be received at the office of the Bureau of Land Management, Building 50, Denver Federal Center,
Denver, Colorado 80225, until 2:30 p.m., local time at place of bid opening May 28, 1975.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3576

SEPTEMBER 23, 1983

HAROLD E. SMITH
DARLINGTON

ID 83231

RE: Claim No. 36-4219

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,



ALLEN D. MERRITT
Senior Water Resource Analyst

Enclosure

9/81

NOTE:

The filing deadline has been extended with a substantially increased fee:

Date Claim Filed	Fee
Until 6-30-1983	\$ 30
7-01-1983 thru 6-30-1984	\$100
7-01-1984 thru 6-30-1985	\$200

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 27 1983

CLAIM TO A WATER RIGHT

Department of Water Resources

Southern District Office

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Harold E. Smith

(Name of Claimant)

Darlington, Idaho 83231

(Mailing Address)

Telephone No. 588-2519

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) June 30, 1965

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Unnamed Stream tributary to Sinks

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs. af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity <u>4 af</u>	Use <u>Storage for</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>	
Quantity _____	Use _____	Period of Use From _____	To _____	
Quantity _____	Use _____	Period of Use From _____	To _____	
Quantity _____	Use _____	Period of Use From _____	To _____	
Quantity _____	Use _____	Period of Use From _____	To _____	

(4) 4 af TOTAL QUANTITY USED.

(cfs. af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

NE 1/4 NE 1/4, Sec. 24 Twp. 1S Rge. 27E B.M., County of Butte

Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.

Excavated reservoir 300x100x6'. Water from pond is transported by tanker to numerous 10,000 gal. stock troughs and reservoirs listed below

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
1S	27E	24	X																
		2																X	
1N	27E	26													X				
		28													X				
1S	28E	32					X												
		28													X				
		8									X								

No. of acres _____

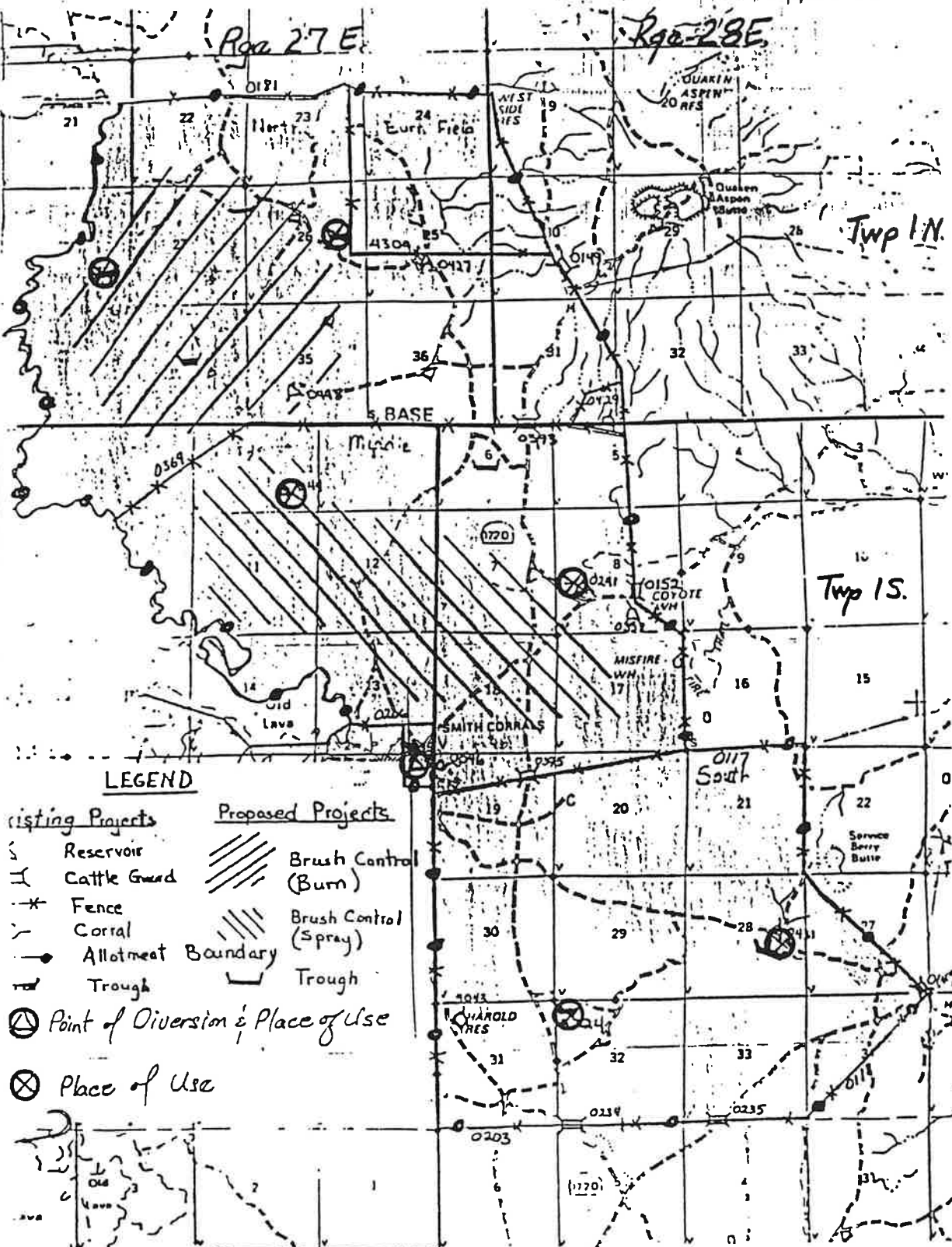
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: None

NOTE: Include here the type and number of stock watered: 1800 head beef cattle with calves

(7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks Unnamed Stream consists of annual snow melt.

Appendix I



Prelim. check by HWT Date 6-25-81
\$30.00 fee received by OW Date 6-01-83
Published in area alterations #2262
Dates 6-27-81 9-1-83 9-1-83

claimant by:

Supporting Data Referred to
in Hiller Letter to Zane
on Water Right No. 36-04219

NAME

Terms

Rating

Credit Limit

ADDRESS

DATE	ITEMS	FOLIO	✓	DEBITS	DATE	ITEMS	FOLIO	✓	CREDITS
	out and carryall out and digger total five Protha Lake 230					Env. Protha Lake 15 tons Bentonite hauling Bentonite from salmon to desert salon putting on lake bottom hauling equipment and back Cat & Spade 6 hrs, 352.50			
	out and carryall out and digger total Quaking Aspen 51 hrs					work with S2 and Ripper 20 hrs			
	out and carryall out and digger total Stratum Pond #4 54 hrs					laying plastic and digging gathering ditches 20 1/2 man days			
	out and carryall out and digger total Pond #5 33 1/2 hrs					trial - Pul Spreading - 12 hrs Hauling 13 hrs 2 hrs to Idaho Falls for plastic			
	total hours 429					hauling 17 cat and carryall out and back @ - 1/100			
	total 17 cat hrs 396 time paid to operator 33 days					90 lbs creosote whale line and to seek ponds and gathering ditches @ 20¢			18.00

Sheet No. _____

Account No. _____

Terms

NAME

Rating

ADDRESS

Credit Limit

Water development Ponds on

Desert Nov. 1962

DATE	ITEMS	FOLIO	✓	DEBITS	DATE	ITEMS	FOLIO	✓	CREDITS
	1st. Water Pond development in section 36					Time spent 11 hrs. with cat and camp - all			
	2nd - water Pond development in section 35					Time 20 hrs. with cat and camp - all			
Dec. 1962	3rd - water Pond					Time 9 hrs. with cat & camp all			
"	4th - water Pond					Time 8 hrs. with cat & camp all			
"	5th ~~water~~ water Pond					Time 14 hrs. with cat & camp all			
"	6th water Pond					Time 12 hrs. with cat & camp all			
Dec. 16	7th water Pond					Time 8 hrs. with cat & camp all			

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

COOPERATIVE AGREEMENT

RESOURCE DEVELOPMENT AND CONSERVATION PROJECTS

FOR OFFICE USE ONLY

Expires

EXTENDED TO

Project Number(s)

Project Name(s)

1. I, Harold Smith of Carlington, Idaho,
of _____,
of _____,
and _____ of _____.

hereinafter called Cooperator(s) and the United States of America, by the Bureau of Land Management, hereinafter called the Bureau, for and in consideration of the mutual benefits hereunder, and in accordance with the Taylor Grazing Act (43 U.S.C. 315, 315a-315r), as amended, and the National Soil Conservation Act (16 U.S.C. 590a-590q-1), as amended, do enter into this cooperative agreement for the construction and/or maintenance of range improvements, installation of conservation works or establishment of conservation practices, hereinafter referred to collectively as improvements, for the benefit of the Federal Range or other public lands and of the Cooperator(s).

2. The improvements known as the Gratt Lake Reservoir, Service Berry Reservoir, and

Muddy Reservoir

☒ will be ☐ are located upon: NE 1/4 24 1S
27E 28 1S
Lot 3 5 1S
R. 28E, Boise, Meridian,
28E

County of Butte, State of Idaho.

3. IT IS MUTUALLY AGREED:

(a) The parties hereto will furnish labor, materials, and equipment as required, the total cost or value not to exceed the amount listed below for each of the parties respectively for the initial construction and/or installation of the improvements indicated in paragraph 2.

NAME(S) OF COOPERATOR(S)	ITEMS	TOTAL COST OR VALUE
Harold Smith	Excavation, laying of plastic, and fencing,	\$ 2800.00
BUREAU OF LAND MANAGEMENT	Plastic	641.75
	AGGREGATE COST	\$3441.75

whichever is applicable and determine the amounts payable to the Bureau and to the Cooperator which shall be in proportion to the actual amount of their respective contributions to the initial construction of the improvement; or the Bureau, at its option, may require the removal of such improvements under the provisions of Section 5(a) of this agreement.

7. The Cooperator(s) use of the improvements will be in conformity with the General Rules of the Range specified in the Federal Range Code for Grazing Districts (43 CFR Part 161) if the improvements are in a grazing district, or to the special stipulations, if any, included in the grazing lease covering such area, if outside a grazing district, and to the Management Plan, if any, for the area in which the lands serviced by these improvements are located, to the extent such rules, stipulations and plans are applicable for the conservation, protection, and proper utilization of the improvements constructed hereunder.

8. This agreement shall not accord to Cooperator(s) any preference, privilege, or consideration with respect

to any permit, license, or lease not expressly provided herein or in the rules and regulations governing such permit, license, or lease.

9. Items 2 and 3 of this agreement may be modified or cancelled by written agreement of the parties, which agreement shall become a part hereof. Items 4 to 9 inclusive may also be amended but first must be approved by the State Director.

10. This contract is subject to the provisions of Executive Order No. 10925 of March 6, 1961, which sets forth the nondiscrimination clauses. A copy of which may be obtained from the signing officer.

11. This agreement shall remain in full force and effect until indefinitely, 19 unless (1) sooner terminated by mutual written consent of the parties, or (2) is terminated by the Authorized Officer after due notice in writing because of Cooperator's default or violation of any of the terms or provision of this agreement, or (3) in accordance with Section 5 or 6 of this agreement.

12. Special conditions:

Projects must be completed by May 31, 1966

COOPERATOR(S):

THE UNITED STATES OF AMERICA

Harold E. Smith 7-14-65
(Signature) (Date)

State of Idaho

(Signature) (Date)

District Idaho Falls

(Signature) (Date)

By Jesse L. Link
(Signature)

(Signature) (Date)

District Manager
(Title)

IMPORTANT NOTICE TO BIDDERS

YOU WILL HELP TO EXPEDITE THE HANDLING OF YOUR BID
IF YOU WILL CHECK THE FOLLOWING ITEMS BEFORE MAILING IT.

Is the unit price legible? Is the extended price right?

Have you completed each and every entry called for?

Have you initialed any changes or erasures?

Have you signed your bid?

If a bid bond is required, have you enclosed it?

For office machine reproduction purposes, please type or
print with a black pen or pencil.

CAUTION TO BIDDERS: LATE BIDS. SEE CLAUSE IN INSTRUCTIONS TO
BIDDERS REGARDING LATE BIDS AND MODIFICATIONS OR WITHDRAWALS. Late
bids and/or withdrawals or modifications will be considered only if
timely mailed by certified or registered mail.

Bidding Material: It is only necessary to return the bidding materials
and forms provided as an insert in the bid book. When these forms are
completed and returned, this will be considered as full acknowledgement
of all the terms and conditions of the invitation for bids. Failure
to send in the proper forms may result in rejection of the bid as
incomplete.

IMPORTANT TO BIDDERS: Bidders are requested to respond to this
invitation for bids either by submission of a bid, or by returning the
bid forms, complete with your name and address and marked "no bid" on
the envelope or by advising "no bid" by letter or post card. Failure
to respond to two consecutive invitations for bids or pre-invitation
notices shall be cause for your name to be removed from the mailing
list for the bid category covered by this invitation for bids.
Information regarding this project can be obtained by calling:

John A. Bailey, telephone (303) 234-2191.

Bid results can be obtained from the Awards & Support Section,
telephone: (303) 234-3974 or 234-4493.

WHEN SUBMITTING A BID, YOUR BID ENVELOPE MUST BE SEALED, MARKED AND
ADDRESSED AS FOLLOWS:

From: (Name, address and zip
code of bidder)

(Do not forget
correct postage)

Bureau of Land Management, D-513
Denver Service Center
Bldg. 50, Denver Federal Center
Denver, Colorado 80225

Invitation No. DSC-75-443

Bid for: Smith Troughs

Date of opening: May 28, 1975

Time of opening: 2:30 p.m.

Advisory Board approved \$2500
per trough for a total of \$5000.

$$\begin{array}{r} \$5000.00 \\ - 1017.50 - 2 \text{ trough sides} \\ \hline \$3982.50 \end{array}$$
 left to
cover other expenses.

$\$63.00 \div \text{per yard delivered on Desert}$ } base price? $\$44.30$ per yard

We'll suggest Smith purchase materials then submit one bill to the
 Govt for payment. If Bill exceeds \$3982.50 Smith can either pay out of his pocket
 or petition the board for additional money.

150000 Cement
 90.00 stand pipe for rail
 170.00 1 1/4 circle rail
 20.00 unions
 72.00 mesh
 50.00 Tot
1902.00 per tank

$$\begin{array}{r} 1902.00 \\ \times 7 \\ \hline 13314.00 \\ + 13314.00 \\ \hline 26628.00 \end{array}$$

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 the Rights to the Use of Water)
from the Snake River Basin)
Water System)
_____)

Case No. 36-04218 -0001

The State of Idaho, ex rel.)
R. Keith Higginson in his)
official capacity as Director)
of the Idaho Department of)
Water Resources,)

RESPONSE TO OBJECTION

Petitioner,)

vs.)

The United States; the State)
of Idaho; and all Claimants to)
the use of water from the Snake)
River Basin Water System,)

Respondents.)
_____)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

DATE 1-14-04
WICHOWITWED

2. Person who filed objection:

Name: PATTERSON FARMS OF IDAHO INC
Address: RT 1 BOX 81
PAUL ID 83347

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER

Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

1. ☒ Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 1, IDWR responds there is an error in the listing of the name of the claimant of this right in the director's report. The recommendation should be corrected as shown in the attachment entitled "Recommended Water Rights Acquired Under State Law."

IDWR further responds that it will change the claimant's address on its records to that shown on the objection. This, however, may not change the claimant's address on the records of the SRBA Court. The Court has developed its "Standard Form 3" to be used for reporting matters such as address changes and changes in ownership. The claimant may need to file this form with the SRBA Court.

CHANGES TO THE DIRECTOR'S REPORT

See attached List of Recommended Water Rights Acquired under State Law.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

	No. of Pages
Notice of Claim No. A36-04218	3
Recommended Water Rights Acquired under State Law	1

(Over)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

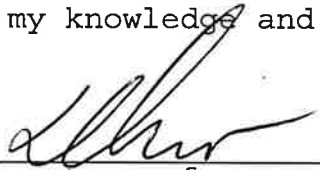
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

David B. Shaw, being first duly sworn, upon oath, deposes and says:

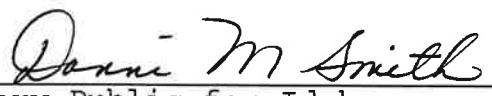
That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.



Signature of person filing response

By: 
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 31st day of August, 1993.



Notary Public for Idaho
Residing at: _____
My Commission expires _____
Danni M. Smith
Residing at Boise, Idaho
My Commission Expires December 5, 1994

CERTIFICATE OF MAILING

I hereby certify that on the 31st day of AUGUST, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

See No. 3

Name: TRIPLE ACE INC
Address: RT 2 BOX 2778
PAUL ID 83347

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: ROGER D LING
Address: PO BOX 396
RUPERT ID 83350

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of Respondent or attorney
mailing on Respondent's behalf

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: A36-04218
Date Received: 8/15/1989
Receipt No: S008846
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: R. PHIL HAWKES 208-438-5684
Address: RT. 1 BOX 1588
PAUL, ID 83347
OR
Name: KAY HAWKES 208-438-5684
Address: RT. 1 BOX 1588
PAUL, ID 83347
2. Date of Priority: MAY 01, 1962
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|----------|
| 09S | 23E | 7 | SE | NE | NE | | MINIDOKA |
5. Description of diverting works:
WELL AND PUMP
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 1.000 | | |
| STOCKWATER | 01/01 | 12/30 | 0.030 | | |
7. Total Quantity Appropriated is:
1.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 60.0 Acre Feet Per Annum.
9. Non-irrigation uses:
S/100 RANGE

A36-04218

Page 1

Date: 08/15/89

MICROFILMED
FEB 01 1993
OCT 19 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	23E	7	NE	NE		IRR	20.0
			NE	NE		STOCK	
						Section Acres	20.0
						Total Acres	20.0

11. Place of use in counties: MINIDOKA

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments:

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Phil Hamker Date: 8-15-89

Date:

State of Idaho

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 15th day

of Aug 1989

Seal

Shirley Cole
Notary Public

Residing at Twin Falls

My Commission Expires Dec 7 1994

AJ5856NP

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

DATE: AUG-28-1993
PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
-----------------	----------------	------------------	----------------	--------------------------	---------------------	-------------------

SOURCE: GROUNDWATER

36-04218

TRIPLE ACE INC
RT 2 BOX 2778
PAUL ID 83347

05/01/1962 IRRIGATION 04-01 10-31

.16 CFS BENEFICIAL USE
68.0 AFY

TOTAL QUANTITY:

.16 CFS
68.0 AFY

CONSUMPTIVE USE:

.16 CFS
60.0 AFY

PATTERSON FARMS OF IDAHO INC
RT 1 BOX 81
PAUL ID 83347

POINT OF DIVERSION:

T09S R23E S07

SENE

PLACE OF USE: IRRIGATION

T09S R23E S07

NENE 20.0

20.0 ACRES TOTAL

REMARKS: USE OF THIS RIGHT IS COMBINED WITH WATER FROM
MINIDOKA IRRIGATION DIST.

MICROFILMED
OCT 19 1994

DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

Include address and phone no.
in case follow-up is needed.

Triple Ace Inc.
Rustic Ag Inc.
Desert Ridge Farms Inc.
Patterson Farms of Idaho Inc.

2. SUBJECT OF INQUIRY:

I met with the four entities (Members of Patterson Family)
to discuss ownership of record. It appears that
Patterson Farms submitted original claims then
the organization split up into various family member
corporations listed above. Russell Patterson (Triple Ace)
filed change of ownership with copy of deed for
his portion. Appears Judy misinterpreted the legal
description and changed more than Triple Ace's
share of rights. The other members organizations
did not file notice of change and error discovered
too late. Some rights (listed below) should be
in other names.

3. RESPONSE TO INQUIRY:

I told group to have Triple Ace
file ownership change to proper entity. I told them
we would then change IDWR electronic record.
(This was done) I also told them that since
ownership change of court records process has not been
finalized they may wish to file an objection.

4. IDWR STAFF AND DATE:

Allen Merritt 3/23/93

Print name and initial

WATER RIGHT CLAIM (Nos.):

(36-04009 36-04248 Rustic Ag Inc)	(36-04218 36-07718 Patterson Farms of Idaho Inc.)	(36-04247 36-04010 Desert Ridge Inc.)
--	--	--

MICROFILMED
OCT 19 1994

DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

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(This was done) I also told them that since
ownership change of court records process has not been
finalized they may wish to file an objection.

4. IDWR STAFF AND DATE:

Allen Merritt

3/23/93

Print name and initial

WATER RIGHT CLAIM (Nos.):

36-04009

36-04248

Rustic Ag
Inc

36-04218

36-07718

Patterson Farms
of Idaho Inc.

MICROFILMED

OCT 9 1994

Desert Ridge
Inc.

DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

Include address and phone no.
in case follow-up is needed.

MR. DEMPSEY
438-8666

2. SUBJECT OF INQUIRY:

Ownership question - PATTERSON FARMS -
signature of Russell Patterson as owner
Question of ownership and signature re: 36-02471
and others. Thought they had protected this before.
Other ownership names involved are DESERT RIDGE
& TRIPLE ACE FARMS.

3. RESPONSE TO INQUIRY:

MR. DEMPSEY thought ownership changes had been done
before this. Report submitted but not certain.
I told Mr. Dempsey I would have an agent
experienced in Basin 36 inquiries call him
back.

4. IDWR STAFF AND DATE:

Print name and initial

WATER RIGHT CLAIM (Nos.):

F. Hitchcock 03-15-93 3:35 PM
F. HITCHCOCK FH
36-02471 and others

MICROFILMED

OCT 19 1994

DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

Include address and phone no.

in case follow-up is needed.

MR. DEMPSEY
438-8666

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expounded in Basin 36 inquiries call him
back.

4. IDWR STAFF AND DATE:

Print name and initial

WATER RIGHT CLAIM (Nos.):

F. Hitchcock 03-15-93 3:35 PM
F. HITCHCOCK FH
36-02471 and others

MICROFILMED

OCT 19 1994

RECEIVED
BLM-IDSO

APR 26 1993

7:30 AM 1 2 3 4 5 6 PM

RECEIVED

APR 30 1993

Department of Water Resources
Adjudication Bureau

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

Case No. 36-04219
(You must insert the
water right number you
are objecting to)

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

OBJECTION

Petitioner,

36-04219 -0001/
93-04-0276

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

Respondents.

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. The water right number you are objecting to must be indicated above in the blank space following "Case No." To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

Any party physically filing 25 (twenty-five) or more objections must make an appointment with the Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

(Over)

OBJECTION - 1

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By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: United States of America
Bureau of Land Management
Address: U.S. Department of Interior
Idaho State Office
3380 Americana Terrace
Boise, Idaho 83706-2544

Briefly describe your interest in this water right:

The United States, through the Bureau of Land Management (BLM), is the owner of the land upon which this water right is claimed.

2. Owner of the water right:

Name: Claimant: Smith Ranches Inc.
Address: P.O. Box 106
Darlington, ID 83231

3. If this objection is filed by an attorney:

Attorney Name: K. Jack Haugrud
Daria J. Zane
Attorney Address: U.S. Department of Justice
550 West Fort Street
Box 33
Boise, Idaho 83734
Attorney Phone No.: 202-272-4134/8351

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☒ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☐ Source: I object to the source of water.
3. ☐ Quantity: I object to:
 - a. ☐ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ Priority Date: I object to the priority date.
5. ☐ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ Purpose(s) of Use: I object to purpose(s) of use.
8. ☐ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☐ Place of Use: I object to:
 - a. ☐ the legal description of the place of use; or
 - b. ☐ the number of irrigated acres within each forty (40) acre subdivision.
10. ☐ Consumptive Use: I object to the annual volume of consumptive use.
11. ☐ Remarks: I object to the "remarks" listed with the water right.

(Over)

DECLASSIFIED
UNCLASSIFIED

12. ☐ Water Right Recommendation: I object:
- a. ☐ this water right being recommended at all; or
- b. ☐ this water right not being recommended.
13. ☐ Description of Reservation: I object to the legal description of the reservation.
14. ☐ Other: I object to: _____
- _____
- _____
- _____

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

Box 1 is checked because the claimant uses the land and water under permit from the United States. The private claimant is filing for water he pumps from Pratt Lake Reservoir and hauls to six water troughs throughout the BLM grazing allotment. Pratt Lake Reservoir (aka Leadbelt Reservoir) was built by a cooperative agreement between the Leadbelt Cattle Association and the BLM in 1952. BLM has a valid existing water right to water in Pratt Lake Reservoir. BLM paid for the construction of the six water troughs. The private claimant has a cooperative agreement with BLM to maintain and fill the six water troughs for wildlife at the end of the grazing season. As a result, this water right should be decreed in the name of the United States.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

This claim should be decreed in the name of the United States.

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary. Box #1: Cooperative Agreement (2).

VERIFICATION (Must be Completed)

State of Idaho

County of Bonneville

Gary L. Bliss, Acting District Manager, being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I. C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

Gary L. Bliss
Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 23 day of April,
1993.

Shirley A. Fry
Notary Public for State of Idaho
Residing at: Bonneville County
My Commission expires: 12/12/94

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INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted by the Clerk of the Court.** You must also send a copy to the owner of the water right, if other than yourself; to the Office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 199____, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Owner name: Claimant: Smith Ranches Inc.
Owner's address: P.O. Box 106
Darlinton, ID 83231

3. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

4. One copy to:

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of Objector or attorney
mailing on Objector's behalf

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
COOPERATIVE AGREEMENT
RANGE IMPROVEMENTS AND CONSERVATION
PRACTICES

OFFICE USE ONLY

Expires	EXTENDED TO
Job Number(s)	
4224	
Job Name(s)	Smith Troughs

1. I, (We) **Harold Smith** of **Darlington, Idaho**
of
of
and of

hereinafter called cooperator(s) and the United States of America, by the Bureau of Land Management, hereinafter called the Bureau, for and in consideration of the mutual benefits hereunder, and in accordance with the Taylor Grazing Act (43 U.S.C. 315, 315a-r), as amended, and the National Soil Conservation Act (16 U.S.C. 590a-q(1)), amended, do enter into this cooperative agreement for the construction and/or maintenance of range improvement installation of conservation works or establishment of conservation practices, hereinafter referred to collectively as improvements, for the benefit of the public lands and of the cooperator(s).

2. The improvements known as the **Smith Troughs**

☒ will be ☐ are located upon:
R.
County of **Butte**

$\frac{1}{4}$, Sec(s). See plat.

, State of **Idaho**

, T.
Boise Meridia

3. IT IS MUTUALLY AGREED:

(a) The parties hereto will furnish labor, materials, and equipment as required, the total cost or value not to exceed the amount listed below for each of the parties respectively for the initial construction and/or installation of the improvements indicated in paragraph 2.

NAME(S) OF COOPERATOR(S)	ITEMS	TOTAL COST OR VALUE
Harold Smith	Maintain and fill all troughs each year for wildlife.	\$
BUREAU OF LAND MANAGEMENT	Construction	\$12,000.00
AGGREGATE COST		\$

(See instructions on last page)

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OCT 19 1994

(b) Upon notice from the authorized officer of the Bureau, cooperator(s) will promptly supply labor, materials, and equipment as specified in paragraph 3(a) as required. Contributed materials in excess of the amount required shall be returned to the contributor. Equipment contributed shall be returned promptly following completion of the work. Work will be conducted under the supervision and direction of the authorized officer and shall be pursued with diligence until completed.

4(a) The cooperator(s) shall be liable, jointly and severally, for the repair and maintenance of the improvements following completion, in good and serviceable condition. The cooperator(s), without further notice from the authorized officer shall do the necessary work promptly. If work is not performed as necessary, the authorized officer shall notify the cooperator(s) and specify a period within which to complete the work as required.

(b) In event the cooperator(s) default in the repair and maintenance of the improvements the authorized officer may do or cause such work to be done for and in behalf of the cooperator(s); and the necessary cost and expense thereof shall become a charge and obligation upon and shall be paid by the cooperator(s). It is further understood in case of default that any permit, license, or lease may be cancelled and may not be renewed or extended or any assignment thereof may not be approved unless and until all charges and costs owed by the cooperator(s) hereunder shall have been paid; and provided that the Bureau may pursue such other remedies, legal or administrative, as may be authorized.

(c) Repair and maintenance, as herein required, shall mean normal upkeep and maintenance necessary to preserve, protect, and prolong the useful life of the improvements, but shall not include major repairs where the damage is due to floods, earthquakes, or other acts of God, or fire not the result of fault or negligence of the cooperator(s) as determined by the authorized officer.

5. IT IS FURTHER AGREED:

(a) Title to the said improvements in place, together with all labor and materials furnished by either party and used in the construction and maintenance thereof, shall be in the United States of America. The improvements may be removed, in whole or in part, during the term of this agreement or any extension thereof, by mutual consent of the parties or by direction of the authorized officer; such removal shall be made by the cooperator(s), or by the Bureau at its option. Upon removal of the improvements, any salvageable materials, after deducting an amount to compensate for the actual cost of removal, shall be available for distribution to the parties then subject to this agree-

ment in proportion to the actual amount of their respective contributions to the initial construction of the improvements. The parties shall take possession and remove their portion of the salvaged materials within ninety (90) days after first notification in writing that such material is available; upon failure to do so within the time allowed, the materials shall be deemed to have been abandoned and title thereto shall thereupon vest in the United States.

(b) During the course of salvaging material, the United States assumes no responsibility for the protection or preservation of said material.

6. If the cooperator(s) shall assign or transfer his interest in any grazing permit, license, or lease embracing the lands upon which the improvements are constructed or in connection with which they are used, the cooperator(s) may include in such assignment or transfer his interest in this Cooperative Agreement, including his right to the use of the improvements and to his proportionate share of the salvageable material. Before the assignee or transferee will be recognized as successor to the cooperator(s)'s interest hereunder, such assignee or transferee will be required by the authorized officer to accept an assignment of this agreement and agree to be bound by the provisions respecting the use and maintenance of the improvements.

7. The cooperator(s) use of the improvements will be in conformance with the regulations and any stipulations of a permit, license, or lease.

8. This agreement shall not accord to cooperator(s) any preference, privilege, or consideration with respect to any permit, license, or lease not expressly provided herein or in the rules and regulations governing such permit, license, or lease.

9. Items 2, 3, and 4(a) of this agreement may be modified or cancelled by written agreement of the parties, which agreement shall become a part hereof.

10. This contract is subject to the provisions of Executive Order No. 11246 of September 24, 1965, as amended, which sets forth the nondiscrimination clauses. A copy of this order may be obtained from the authorized officer.

11. This agreement shall remain in full force and effect until

, 19

unless (1) sooner terminated by mutual written consent of the parties, or (2) is terminated by the authorized officer after notice in writing because of the cooperator(s) default or violation, or (3) is terminated by the authorized officer after notice in writing because the improvements are not compatible with adopted land use plans or classification under the public land laws.

12. Special conditions

1. All 6 troughs will be filled with water each year as soon as Fingers Butte Well is started up for the season.
- All 6 troughs will be left full when the cattle are removed from the Allotment for the season.

COOPERATOR(S)

THE UNITED STATES OF AMERICA

Harold Smith
(Signature) Harold Smith (Date)

State of Idaho

(Signature) (Date)

District Idaho Falls

(Signature) (Date)

By Ross E. Shays
(Signature)

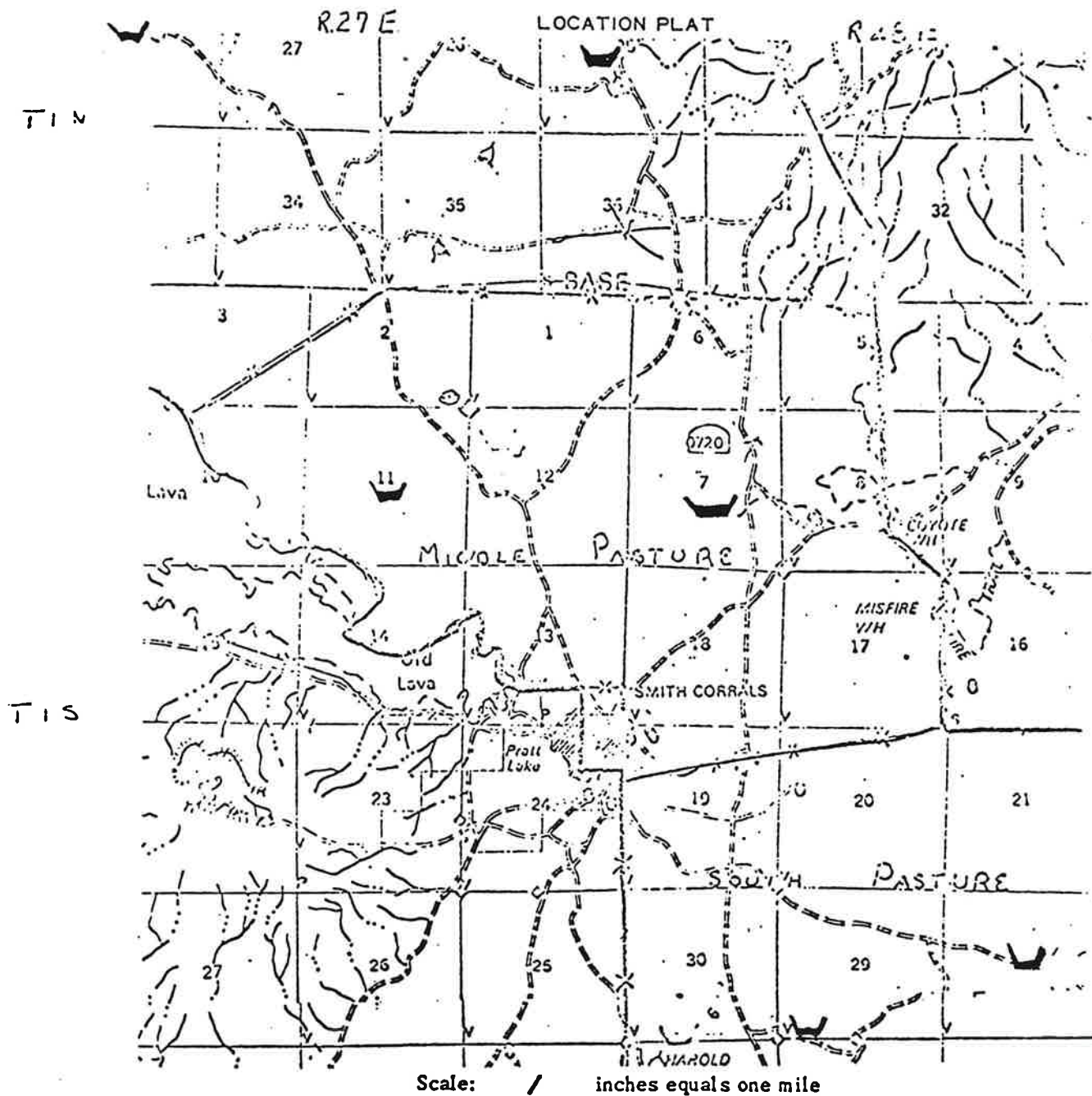
(Signature) (Date)

Area Manager
(Title)

(Signature) (Date)

2-6-75
(Date)

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POOR ORIGINAL

INSTRUCTIONS - Cooperator(s) to receive original, and one copy each to the District case or lease file and District job file.

RECEIVED

APR 11 1960

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 the Rights to the Use of Water)
from the Snake River Basin)
Water System)
_____)

Case No. 36-04219 -0001

The State of Idaho, ex rel.)
R. Keith Higginson in his)
official capacity as Director)
of the Idaho Department of)
Water Resources,)

RESPONSE TO OBJECTION

Petitioner,)

vs.)

The United States; the State)
of Idaho; and all Claimants to)
the use of water from the Snake)
River Basin Water System,)

Respondents.)
_____)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

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2. Person who filed objection:

Name: US BUREAU OF LAND MANAGEMENT
Address: IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER
Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

1. ☒ Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 1 and all allegations of the objection regarding this item IDWR responds as follows:

IDWR is informed and therefore believes that some or all of the lands upon which water is diverted, conveyed, or used pursuant to this right are owned by the United States, and that the U.S. and the claimant have a cooperative agreements for the construction and maintenance of range improvements on federal land. The director's report recommends right no. 36-02817 to water from an unnamed stream for purposes including storage to the United States. The United States did not file a notice of claim to this right. IDWR denies the objection and all allegations of the objection not expressly admitted herein.

CHANGES TO THE DIRECTOR'S REPORT

The director proposes no changes to the description of this claim in the Director's Report.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

No. of
Pages

Notice of Claim No. A36-04219

4

(Over)

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OCT 19 1994

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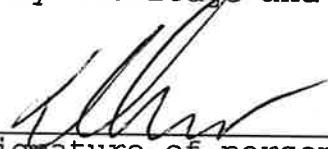
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

David B. Shaw, being first duly sworn, upon oath, deposes and says:

That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.



Signature of person filing response

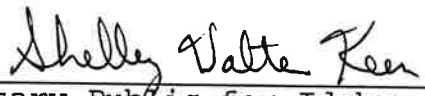
By:



(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 9th day of September,
1993.





Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: July 31, 1997

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of SEPTEMBER, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Name: M B HILLER
PO BOX 52020
IDAHO FALLS ID 83405

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: US DEPT OF JUSTICE
Address: ENVT & NAT RESOURCES DIV
550 W FORT ST BOX 33
BOISE ID 83734



Signature of Respondent or attorney
mailing on Respondent's behalf

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: A36-04219
Date Received: 1/10/1990
Receipt No: E011602
Received By: Kew

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SMITH RANCHES INC.
Address: P.O. BOX 106
DARLINGTON, ID

83231

208-554-2303
RECEIVED

2. Date of Priority: JUN 30, 1965

JAN 10 1990

3. Source: UNNAMED STREAM

Trib. to: SINKS Department of Water Resources
Southern Region Office

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	27E	24	NE	NE			BUTTE

5. Description of diverting works:

RESERVOIR WATER TRANSPORTED BY TANKER TO STOCK TROUGHS & PONDS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER STORAGE	01/01	12/31			4.00

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

4.00 A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
S/1800 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	27E	26	NE	SE		STOC S	
		28	NE	SE		STOC S	
01S	27E	2	SE	SE		STOC S	

A36-04219

Page 1

Date: 01/10/90

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OCT 19 1994
FEB 05 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	27E	24	NE	NE		STOC S	
	28E	8	NW	SW		STOC S	
		28	NE	SE		STOC S	
		32	NW	NW		STOC S	

11. Place of use in counties: BUTTE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

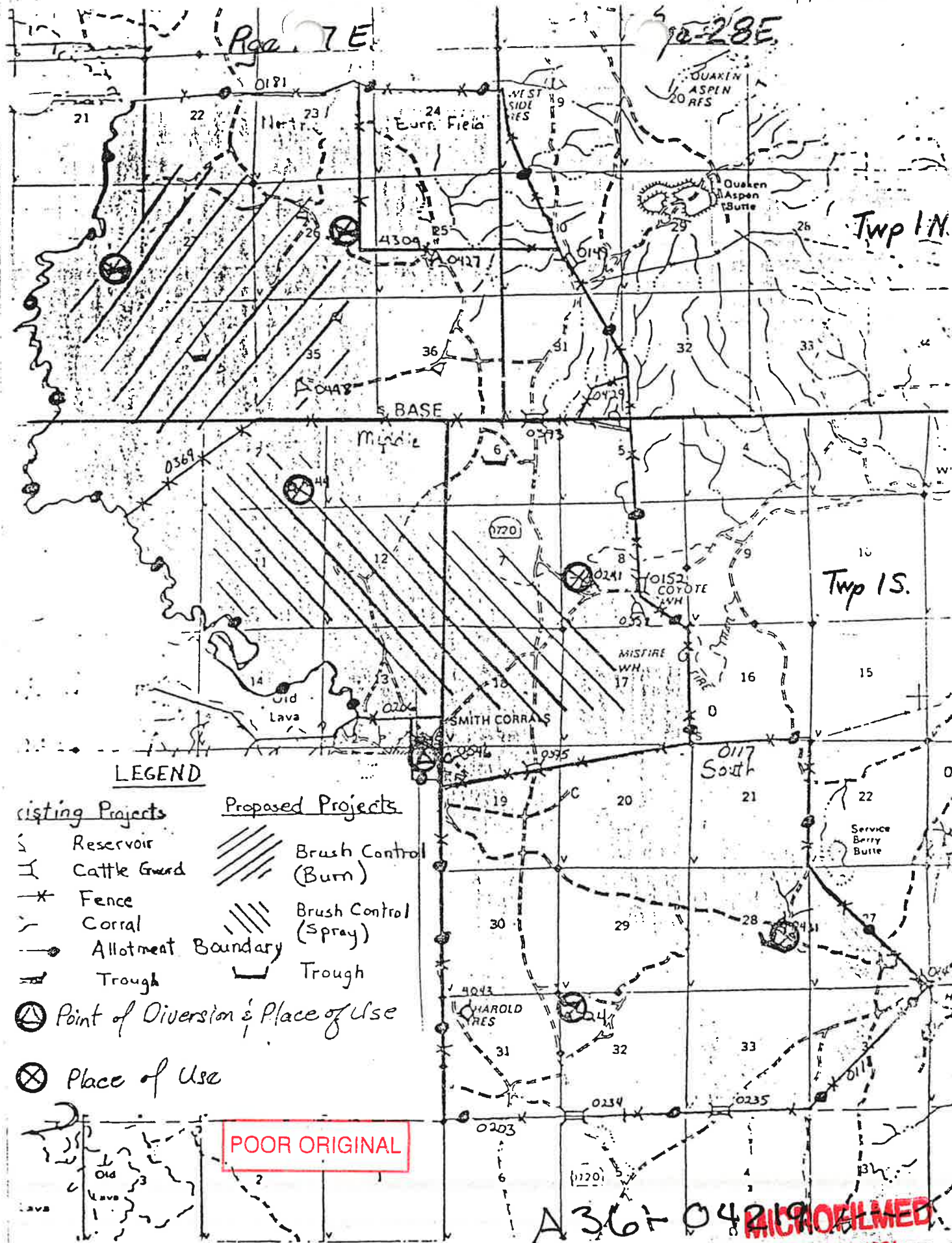
14. Remarks:
SOURCE IS SNOW MELT
CLAIMANTS ARE THE BLM PERMITEE

15. Basis of Claim: STATUTORY CLAIM

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

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FEB 05 1994



Prelim. check by HWS Date 6-5-81
 \$30.00 fee received by HWS Date 6-1-81
 Published in press advertisement #2662
 Dates 8/31 + 9/1/83 9/1 + 9/1/83

claimant by: OCT 19 1984
FEB 05 1993