

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: A22-04040
Date Received: 09/27/1988
Receipt No: E00 3224
Received By: TO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EDMUND S. TWINING, III 208-456-2310
Address: P.O. BOX 101
TETONIA, ID 83452
AND
Name: SUSAN TWINING
Address: P.O. BOX 101
TETONIA, ID 83452



2. Date of Priority: JUN 29, 1900

3. Source: LITTLE DRY CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	46E	29	NW	SW			TETON

5. Description of diverting works:
WEAVER DITCH & LITTLE DRY CREEK.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	09/15	4.000		
STOCKWATER	01/01	12/31	0.010		

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

8. Total consumptive use is 400.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/200 RANGE.

not cfs stock water

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	46E	30	SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	20.0
			NW		SE		IRR	20.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	200.0
							Total Acres	200.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

22-00063, 22-00312, 22-00313

22-0487

22-0489

22-0488

14. Remarks:

SOURCE ALSO KNOWN AS INDIAN CREEK.

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: 1

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):

[Signature]
[Signature]

Date:

9/27/88
9/27/88

State of Idaho

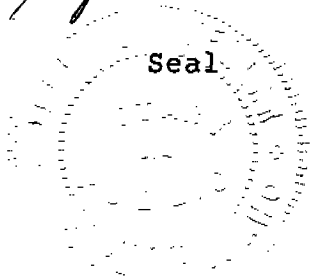
)
) SS.
)

County of Jerome

Subscribed and sworn (or affirmed) before me this 27 day

of September 19 88

[Signature]
Notary Public



Residing at Driggs, Idaho
My Commission Expires 1/1/91

Twp 6N
Rgs 46E

413	30	20	20
414	40	40	40

Diversion

INCHGALMED

OCT 29 1992

EDMUND S. AND SUSAN TWINING III
Teton Ranch

P.O. Box 101
T. 6 N., R. 46 E. B.M.

Legal Descriptions

Teton Ranch

Lots 1 and 2, E½NW¼, NE¼ - Section 31
Lots 1, 2 and 3, NW¼ - Section 32
All in Township 6 North, Range 46 East,
Boise Meridian

Welfare Farm

NE¼NE¼ - Section 36
Township 6 North, Range 45 East, B.M.

Stillers Run

Lots 3 and 4; E½SW¼; SE¼
All in Section 30, Twn. 6 North, Rge. 46 E.B.M.

Galloway Hills

SW¼SW¼, S½NW¼SW¼, Sec. 29, Twn. 6 N., Rge 46 E.B.M.

Water Rights Described in Warranty Deeds

Teton Ranch

22-0160/T.2135 - 3.2 cfs - 1891

Source: South Leigh Creek

Amount: 3.2 cfs

Priority Date: 1891

Use: Irrigation

Place of Use: Lots 1 & 2, E½NW¼, NE¼, Section 31
Twn 6 N., Rge 46 EBM

Diversion: See "Diversion" below

*Lots 1, 2, 3, & nearby
of Sec. 32*

22-0616/T.2135 - 8.0 cfs - 1916

Source: South Leigh Creek

Amount: 8.0 cfs

Priority Date: 1916

Use: Irrigation

Place of Use: Lots 1 & 2, E½NW¼, NW¼, Section 31
Twn 6 N Rge 46 EBM

Diversion: See "Diversion" below

Lots 1, 2, 3 & nearby Sec 32

Diversion: Irrigation Pumps at Ida/Wyo State line

NW¼NE¼, Sec. 32, Twn. 6 N., Rge. 46 EBM

OR

SE¼NE¼, Sec. 6, Twn. 44 N., Rge 118 W6thPM

Kilpack Canal Diversion

SE¼NE¼, Sec. 6, Twn. 44 N, Rge 118W-6PM

Hog Canal Diversion

NW¼NW¼, Sec. 6, Twn. 44 N, Rge 118-6PM

80 acre feet - Fremont-Madison

MICROFILMED

APR 11 1994

Welfare Farm

22-0042 - .8 cfs - So. Leigh - Jan. 22, 1916.

Stillers Run

22-0063 (DECREE)

Source: ~~South~~ Leigh Creek

Amount: 6.4 cfs

Priority Date: January 22, 1916

Use: Irrigation

Place of Use: Sec. 30-6-46EBM

NE½SW¼ NW½SW¼

SW½SW¼ SE½SW¼

NE½SE¼ NW½SE¼

SW½SE¼ SE½SE¼

Diversion: Lot (2) Section 29-6-46 EBM

F. C. Gillette vs Lynn Waddell - December 7, 1938

22-0312 (DECREE)

Source: North Leigh Creek

Amount: 3.0 cfs

Priority Date: June 1, 1897

Use: Irrigation

Place of Use: Sec. 30-6-46 EBM

NE½SW¼ NW½SW¼

SW½SW¼ SE½SW¼

Diversion: SW½NE¼ - Section 29, Twn. 6 N., Rge 46 EBM

Rexburg Irr. Co. vs Teton Canal Co. - 12/16/1910

22-0313 (DECREE)

Source: North Leigh Creek

Amount: .2 cfs

Priority Date: June 1, 1900

Use: Irrigation

Place of Use: SW¼ Sec. 30, Twn. 6 N., Rge 46 EBM

Diversion: SW½NE¼ - Sec. 29, Twn. 6 N., Rge 46 EBM (originally recorded as Rge 45)

Rexburg Irrigation Co. vs Teton Canal Co. - 12/16/1920

22-0487 (DECREE)

Source: North Leigh Creek

Amount: 1.8 cfs

Priority Date: June 1, 1897

Use: Irrigation

Place of Use: SE¼, Sec. 30, Twn. 6 N., Rge. 46 EBM

Diversion: SW½NE¼, Sec. 29, Twn. 6 N., Rge 46 EBM (originally reported as Rge 45)

Rexburg Irrigation Co. vs Teton Canal Co. 12/10/1910

MICROFILMED

APR 11 1994

22-0488 (DECREE)

Source: North Leigh Creek
Amount: .7 cfs
Priority Date: June 1, 1899
Use: Irrigation
Place of Use: SE¼, Sec. 30, Twn. 6 N., Rge. 46
EBM
Diversion: Hansen Ditch
Rexburg Irrigation Co. vs Teton Canal Co.
12/10/1910

22-0489 (DECREE)

Source: North Leigh Creek
Amount: 3.2 cfs
Priority Date: June 1, 1899
Use: Irrigation
Place of Use: SE¼, Sec. 30, Twn 6 N., Rge 46 EBM
Diversion: Hansen Ditch
Rexburg Irrigation Co. vs Teton Canal Co.
12/10/1910

22-4040 (CLAIM)

Source: Indian Creek
Amount: 4.1 cfs
Priority Date: June 29, 1900
Use: Irrigation 4.0 cfs
Stock Water .1 cfs
Place of Use: S¼, Section 30, Twn 6 N., Rge 46
NW EBM
Diversion: NE¼SW¼, Section 29, Twn. 6 N., Rge 46
EBM
Published: Teton Valley News
July 31, 1980 & August 1, 1980

~~22-7258 (PERMIT)~~ No. 1

Source: Well
Amount: 6.4 cfs
Date: August 31, 1977
Use: Irrigation and Stock Water
Place of Use: S¼ Section 30, Twn. 6 N., Rge 46
EBM
Diversion: SE¼SE¼ Section 30, Twn. 6 N., Rge. 46
EBM

NOTE: The application was filed on August 31, 1977. The applicant was given five (5) years to prove up on the well (August 31, 1982). On November 1, 1982 the applicant filed a Request for Extension of Time and was given until November 1, 1987 to complete his proof for permit to be issued.

MICROFILMED

APR 11 1994

Galloway Hills

Water right unknown

Domestic Wells

A22-12134 Teton Ranch

Location: SE³²NW³², Sec. 8, Twn. 6 N., Rge 46 EBM
Size: 6"
Depth: Unknown
History: Estimated 50 years *March 4, 1923*
Use: Domestic: 2 homes, stock water.
600 head of stock

A22-12135 Stillers Run

(1) Location: NW³²SW³², Sec. 30, Twn 6 N, Rge 46 EBM
Size: 6"
Depth: Unknown
History: Estimated 50 years *March 4, 1923*
Use: Domestic - 1 house, stock water

A22-12136 (2) New South Well
Location: NW³²SW³², Sec. 30, Twn 6 N, Rge 46 EBM
Size: 6"
Depth: 120 feet
Date Drilled: April 30, 1987
Use: Domestic and Stock Water
600

A22-12137 (3) New North Well
Location: NW³²SW³², Sec 30, Twn 6 N, Rge 46 EBM
Size: 6"
Depth: 120 feet
Date Drilled: April 30, 1987
Use: Domestic and Stock Water
600

Stock Water

File for stock water on all parcels from South Leigh and Middle Leigh and North Leigh for estimated 600 head of stock.

MICROFILMED

APR 11 1984

AJ0749NP
No. A22-04040

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 06/24/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BOYD C & JILL J SMITH TRUST 3201 ASH ST PALO ALTO CA 943062240 (415) 493-5411	06/29/1900	IRRIGATION STOCKWATER	04-15 09-15 01-01 12-31	4.00 CFS 0.01 CFS	
TOTAL DIVERSION:					4.00 CFS	
CONSUMPTIVE USE:						400.00 AFA

Water Source: LITTLE DRY CREEK Tributary to: TETON RIVER Stage: STATUTORY CLAIM
Point(s) of Diversion: T06N R46E S29 NMSW TETON County

Place of use Legal Description for: IRRIGATION											
			NE			NW			SW		
			NENE			NENW			NWSW		
T R S			: Lt Ac			: Lt Ac			: Lt Ac		
06N 46E 30			:			:			:		
			40			40			20		
			20			40			40		
			TOTAL ACRES			200.0			200.0		

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: TETON

Non-Irrigation Uses: S/200 RANGE.

Other Rights: 22-00063, 22-00312, 22-00313

Remarks: GEN SOURCE ALSO KNOWN AS INDIAN CREEK.
CHANGED OWNERSHIP PER REQUEST/JN/6-23-99

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

Misc: Water District Number: 01 Field Inspection Flag: Presumption Flag:

24

EDMUND S. & SUSAN TWINING III
TETON RANCH
Teton County, Idaho
September 27, 1988

25
Creek

RICKS

36

1

19

20

29 Wiggleson

32

North
Dry
COMMISSA

South

5

8

6440

Welfare
22-0042

Stillers Run Ranch
22-0063 22-0489
22-0312 22-4040 Little
22-0313 22-7258
22-0487
22-0488

Gallo-
Way

Teton Ranch
22-0160T2135
22-0616T2135

KILPACK

Creek

HOG

Gravel
Pit

MICROFILMED
APR 11 1994

6339

APR 11 1994



R 46 E
R. 118 W

IDAHO
WYOMING

T. 441A

Pumas

Land / heading

Twp 6 N
R1E 4E

Weaver Ditch
Heading

North Lesh Creek

19	20	30	30
A22-00063		A22-00487C	
36	38	40	40

RECEIVED

APR 11 1984



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 24, 1999

TERESA L STURM
HOPKINS RODEN CROCKETT HANSEN & HOOPES PLLC
PO BOX 51219
IDAHO FALLS ID 83405-1219

RE: CHANGE OF WATER RIGHT OWNERSHIP FOR TWINING TO BOYD C. & JILL
J. SMITH TRUST

Dear Ms. Sturm:

Please refer to the following columns:

A22-00042	A22-00488	22-11544	A22-00208
A22-00063	A22-00489	22-12134	
A22-00130B		22-12135	
A22-00130D		22-12136	
A22-00136C		22-12137	
A22-00160			
A22-00312			
A22-00313			
A22-00481A			
A22-00482A			
A22-00483A			
A22-00487C			
A22-00515B			
A22-00516B			
A22-00517B			
A22-00616			
A22-02029			
A22-04040			

The first column represents the claims that have been changed into the name of Boyd C. & Jill J. Smith Trust. Copies of computer print-outs reflecting this change are enclosed.

The claims in the second column were combined together in 1997 to form a new claim, and this claim was renumbered to A22-13016. The name was changed on this claim to Boyd C. & Jill J. Smith Trust. A computer print-out of this change is enclosed.

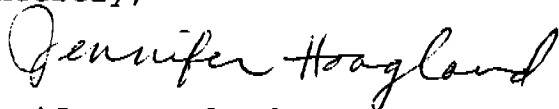
The claims in the third column are all domestic and stock claims, currently before the Snake River Basin Adjudication Court in Twin

Falls. I am required to notify the court of the change in owner and I am in the process of doing this. The owner will be changed to reflect Boyd C. & Jill J. Smith Trust and these claims will be sent to you in another mailing.

Finally, the fourth column reflects the claims that were not changed to reflect your client as the current owner. Claim A22-00208 was split in 1991 into an "A" part and a "B" part. Our records show that neither part was in the name of Twining. Again in 1991 the "B" part was split four more times into a "C" "D" "E" and "F". Again, our records show that none of these parcels of property was in the name of Twining. If the Smith's can prove through legal documents that they own all or some of these parts, then our office will proceed with this change. Otherwise, there is not enough evidence at this time. Copies of computer print-outs for A22-00208 and A22-00208B are enclosed.

If you have further questions regarding these matters, please contact me or Senior Water Agent Dave Carlson.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Hoagland".

Jennifer Hoagland
Technical Records Specialist

Enclosures

cc: Boyd C. & Jill J. Smith

NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP SEP 16 1996

Department of Water Resources
Eastern Region

DATE OF CLOSING: September 6, 1996

LEGAL DESCRIPTION OF PROPERTY: See attached Warranty Deed

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[x] Water Rights Number(s)
Assigned by IDWR:

A22-00487C; A22-00488; A22-00515B; ✓
A22-00516B; A22-00517B; A22-00616; ✓
A22-02029; A22-04040; A22-11544; ✓
A22-12134; A22-12135; A22-12136; ✓
A22-12137; A22-00042; A22-00043; 63 ✓
A22-00130B; A22-00130D; A22-00136C; ✓
A22-00160; A22-00312; A22-00313; ✓
A22-00481A; A22-00482A; A22-00483A; A22-00488 ✓
22-00489; 22-0028 208 ✓

[x] Name and Address of Former
Owner/Claimant(s)(Seller):

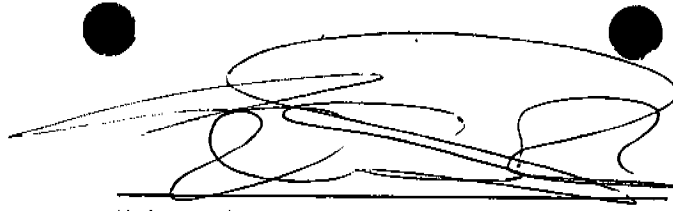
Edmund S. Twining, III, a married man dealing
with his sole and separate property and Edmund
S. Twining, III and Jane Forbes Clark, II, acting
not individually but as Trustees of the Trust
under the Will of Susan Clark Twining for
Edmund S. Twining, III, also known as the
Residuary Trust U/W of Susan C. Twining
Post Office Box 101
The Plains, Virginia 20198

[x] New Owner/Claimant
(Purchaser):

Boyd Charles Smith and Jill Johnson Smith, or
their successors, not individually but as Trustees
of The Boyd Charles Smith and Jill Johnson
Smith Trust created by that certain Trust
Agreement dated Dember 13, 1990

[x] New Mailing Address:

3201 Ash Street
Palo Alto, California 94306-2240



Date August 20, 1996

Edmund S. Twining, III, not individually
but as Trustee of the Trust under the Will
of Susan Clark Twining for Edmund S.
Twining, III, also known as the Residuary
Trust U/W of Susan C. Twining



Date 8.22.96

Jane Forbes Clark, II, not individually
but as Trustee of the Trust under the Will
of Susan Clark Twining for Edmund S.
Twining, III, also known as the Residuary
Trust U/W of Susan C. Twining

(Signature of former claimant(s) is not required if
proof of ownership is attached)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Number of Split, if any:

Original to be mailed to Idaho Department of
Water Resources. Copies to Former Owner and
New Owner