

AJ0749NP
No. A22-00042

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	01/22/1916	IRRIGATION	04-15 10-15	0.80 CFS	
TOTAL DIVERSION:					0.80 CFS	
CONSUMPTIVE USE:						80.00 AFA

Water Source: SOUTH LEIGH CREEK

Tributary to: TETON RIVER

Stage: DECREED

Point(s) of Diversion: T06N R46E S32 Lot01(SENWNE)

TETON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
06N	45E	36	:	40																:	40.0
																				TOTAL ACRES	40.0

POU County: TETON

Other Rights: NONE

Remarks: GEN DIVERSIONS: PUMPS ARE LOCATED ON ID/WY STATE LINE AND DIVERT
FROM SOUTH LEIGH CREEK.
CHANGED OWNERSHIP PER REQUEST/JH/6-24-99

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

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

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: ⁰⁰¹² A22-00042
Date Received: 10/28/1988
Receipt No: E003224
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: JAN 22, 1916

3. Source: SOUTH LEIGH 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	32	SE	NW	NE	1	TETON

5. Description of diverting works:
TWO PUMPS (60 & 75 HP), MAINLINE AND SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.800		

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

8. Total consumptive use is 80.0 Acre Feet Per Annum.

9. Non-irrigation uses:



FILED IN DISTRICT COURT
TWIN FALLS, IDAHO
OCT 04 1988

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	45E	36	NE	NE		IRR	40.0
Section Acres							40.0
Total Acres							40.0

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:
NONE

14. Remarks:
DIVERSIONS: PUMPS ARE LOCATED ON ID/WY STATE LINE AND DIVERT
FROM SOUTH LEIGH CREEK.

15. Basis of Claim: DECREED

Case Number:
Court :
Decree date:

F. C. GILLETTE
Decree Plaintiff

vs

LYNN CRANDALL, W. M.
Decree Defendant

16. Signature(s)

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

Number of attachments: 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]

Date:

9/27/88

[Signature]

Date:

9/27/88

State of Idaho

)

SS.

County of

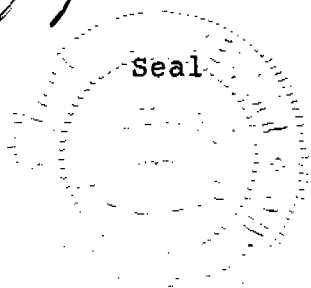
Idaho

)

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

of September 19 88

[Signature]
Notary Public



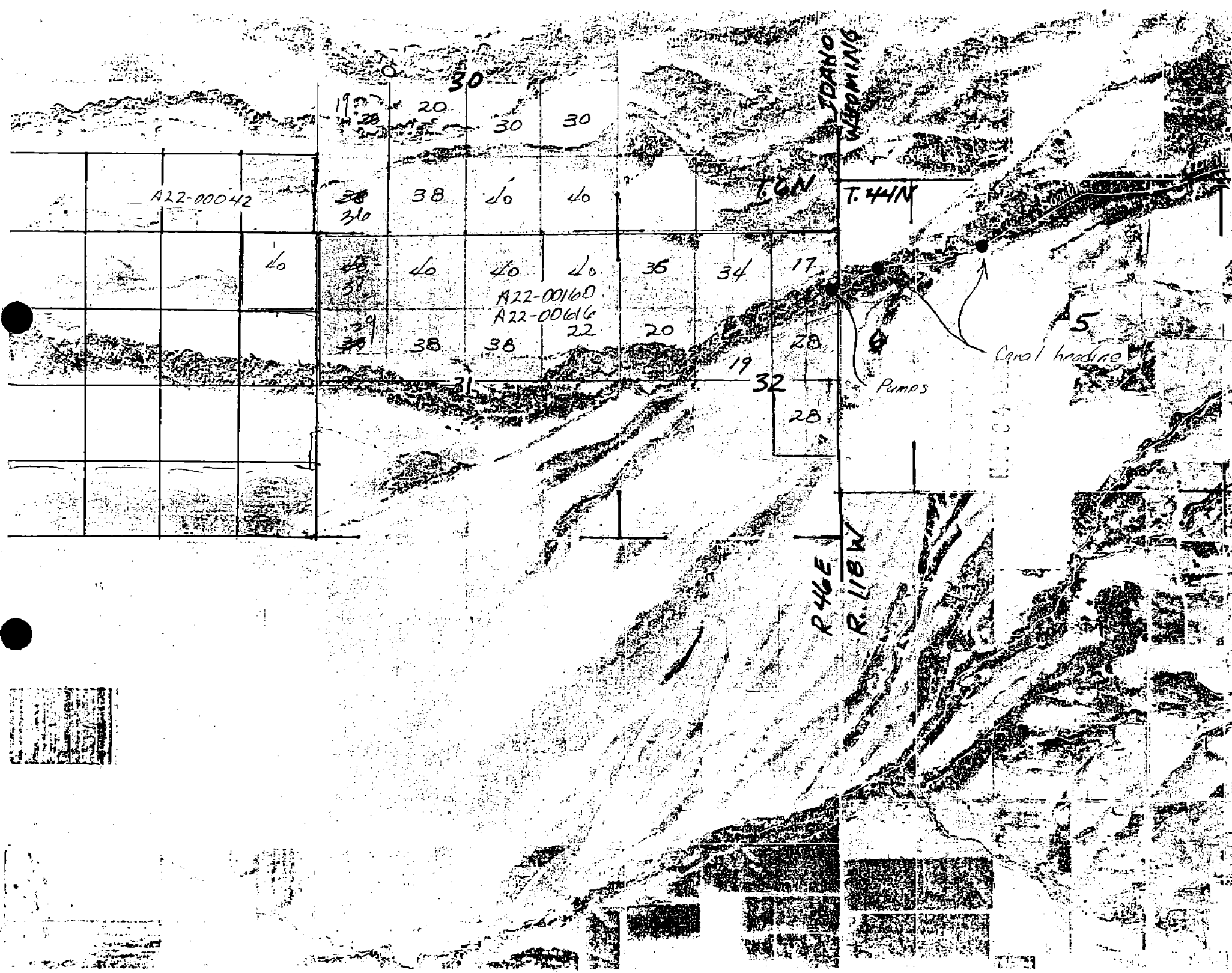
Residing at

Dugway, IA

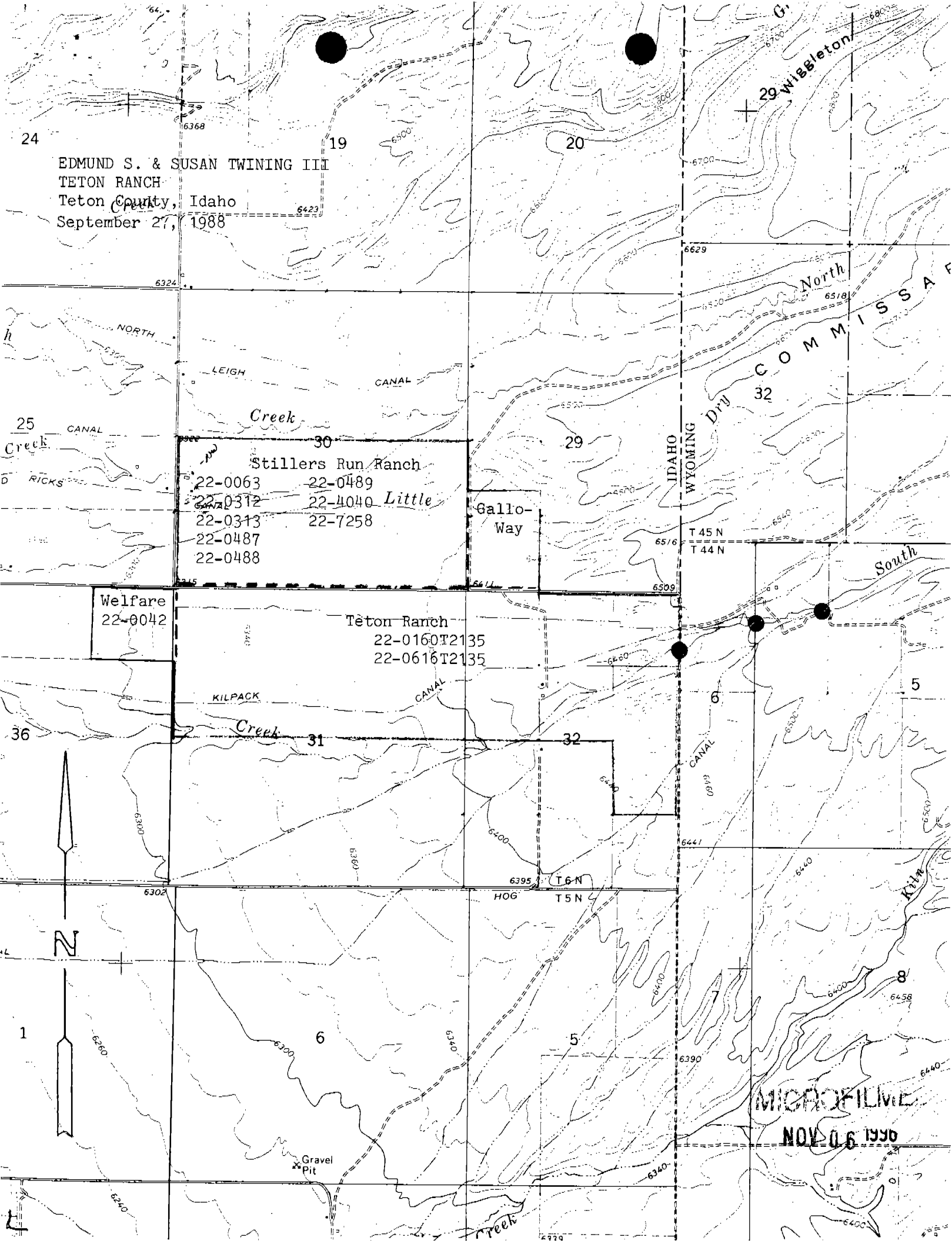
My Commission Expires

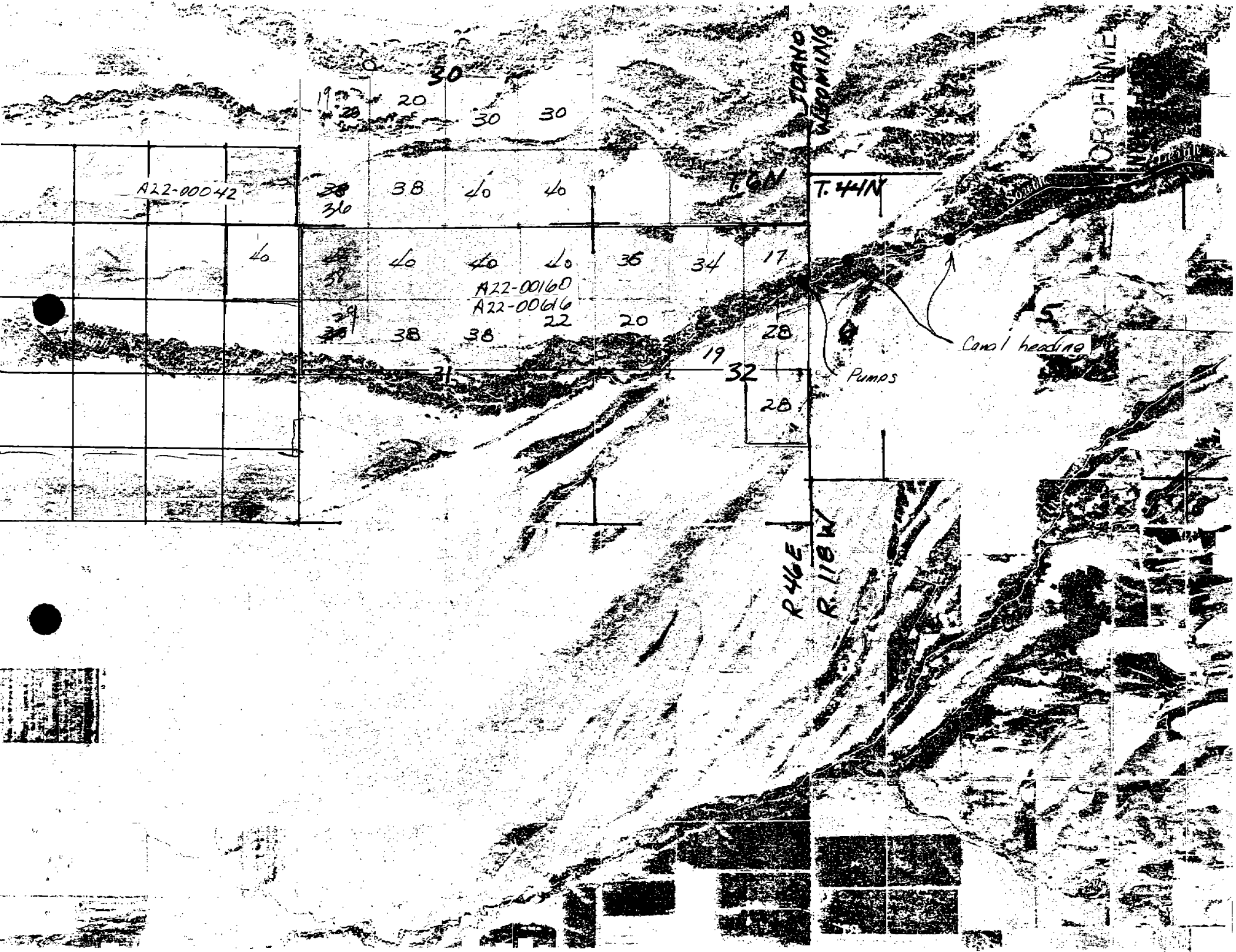
1/1

RECORDED
NOV 04 1988



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





T. K. N.
R. E. 46 F

Weaver Ditch
Heading

North Irish Creek

19	20	30	30
A22-00063		A22-00487C	
		A22-00488	
36	38	40	40

ICP
NOV 84



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.

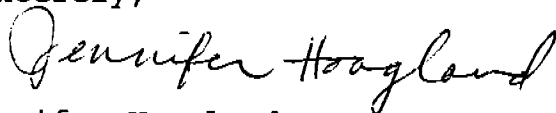
The claims in the third column are all domestic and stock claims, currently before the Snake River Basin Adjudication Court in Twin

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". The signature is written in dark ink and is positioned above the typed name and title.

Jennifer Hoagland
Technical Records Specialist

Enclosures

cc: Boyd C. & Jill J. Smith

RECEIVED

JUN 15 1999

HOPKINS RODEN CROCKETT HANSEN & HOOPES, PLLC
LAWYERS

SALISBURY BUILDING • 428 PARK AVENUE

P.O. BOX 51219

IDAHO FALLS, IDAHO 83405-1219

TELEPHONE (208) 523-4445

FAX (208) 523-4474

E-MAIL hrchh@srv.net

C. TIMOTHY HOPKINS
WILLIAM C. RODEN
GREGORY L. CROCKETT
JOHN D. HANSEN
D. FREDRICK HOOPES
LARY S. LARSON
PAUL B. RIPPEL
TERESA L. STURM
STEVEN K. BROWN
DAVID H. SHIPMAN
KATHERINE STEELE MORIARTY
JOHN R. ROWE
REED E. ANDRUS
CURTIS R. SMITH
LANCE J. SCHUSTER

Department of Water Resources

SEWARD H. FRENCH (1941-1984)
TED C. SPRINGER (1943-1984)

OF COUNSEL

JOHN MICHAEL BRASSEY
ORVAL HANSEN
GEORGE DENISON

REGISTERED PATENT AGENT
ROBERT A. deGROOT

802 WEST BANNOCK • SUITE 900
P.O. BOX 2110
BOISE, IDAHO 83701-2110
TELEPHONE (208) 336-7930
FAX (208) 336-9154
E-MAIL roden@micron.net

8 E. STREET S.E.
WASHINGTON, D.C. 20003
TELEPHONE (202) 546-0360
FAX (202) 546-6294
E-MAIL cipr@aol.com

June 9, 1999

Department of Water Resources
Attn. Glen Saxton
1301 N. Orchard Street
Boise, ID 83706

Re: New Property Owner Notice of Change of Water Right Ownership/
State of Idaho Department of Water Resources Assignment of Notice
of Claims

Dear Glen:

We enclose with this correspondence two documents, a New Property Owner Notice of Change of Water Right Ownership and an Assignment of Notice of Claims these documents represent notice to the department of a change in water rights ownership in attendant to the purchase of certain real property located in Teton County by our clients, Boyd and Jill Smith. Apparently these documents have been languishing in someone's file for a considerable period of time but have never been forwarded to the appropriate office. Our records reflect that the documents were originally filed and that suggestions were made for changes and corrections. These current changes and corrections were made and the documents resubmitted but apparently no action has ever been taken on the same. We believe that the appropriate fee has already been submitted but again our uncertain whether that fact has been documented in your office.

We take this opportunity to forward these documents directly to your attention with the hope that you might forward them on to the appropriate office for proper processing. Please do not hesitate to contact me if you have questions or if there is additional information which is needed or if we need to review the matter of any fees or charges which need to be paid in conjunction with appropriate processing.

Thank you for your assistance in this very confusing situation.

Very Truly Yours,

Teresa L. Sturm
for Teresa L. Sturm

TLS/dw
Enclosures

RECEIVED DELOG

JUN 15 1999

DC
6-22-99

Department of Water Resources RECEIVED

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

apply (all water is received from a city or
em, owns the water right, and bills the

change any and all
from this list as
long as they are
in the Twining
name

DC

37C: A22-00488; A22-00515B; ✓
16B; A22-00517B; A22-00616; ✓
29; A22-04040; A22-11544; ✓
14; A22-12135; A22-12136; ✓
17; A22-00042; A22-00043; 63 ✓
10B; A22-00130D; A22-00136C; ✓
10; A22-00312; A22-00313; ✓
11A; A22-00482A; A22-00483A; A22-00488 ✓
22-0028 208 ✓

cm

cm

cm

S. Twining, III, a married man dealing
sole and separate property and Edmund
g. III and Jane Forbes Clark, II, acting
jointly but as Trustees of the Trust
Will of Susan Clark Twining for
S. Twining, III, also known as the
Trust U/W of Susan C. Twining
e Box 101
s, Virginia 20198

cles 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

RECEIVED DELOG
JUN 15 1999
DC
6-22-99

RECEIVED
Department of Water Resources

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)

☒ 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 ✓

☒ 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

☒ 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

☒ New Mailing Address:

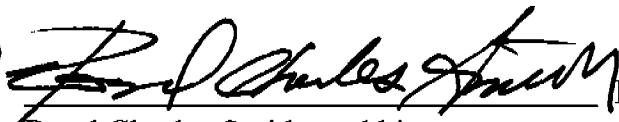
3201 Ash Street
Palo Alto, California 94306-2240

[x] New Telephone Number: (415) 493-5411

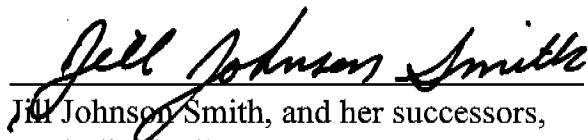
[x] Does the change in ownership result in a splitting of the water right owned/claimed?
_____ yes _____ x no. If yes, then describe the portion of the
water right that is now owned/claimed by the new owner:

[x] Attach proof of ownership,
describe proof attached: Copy of Warranty Deed
(proof of ownership must describe either the property conveyed or include the claim
number. Proof of ownership is not required if this form is signed by the former
owner/claimant.)

[x] Signature of New
Owner/Claimant(s)

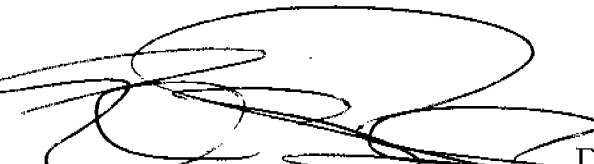
 Date 30 Aug 96

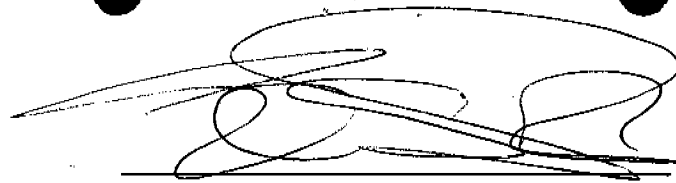
Boyd Charles Smith, and his successors,
not individually, but as Trustee of The Boyd
Charles Smith and Jill Johnson Smith Trust
created by that certain Trust Agreement dated
December 13, 1990

 Date 8/30/96

Jill Johnson Smith, and her successors,
not individually, but as Trustee of The Boyd
Charles Smith and Jill Johnson Smith Trust
created by that certain Trust Agreement dated
December 13, 1990

[x] Signature of Former
Owner/Claimant(s)

 Date August 20, 1996
Edmund S. Twining, III, Individually



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

WARRANTY DEED

RECEIVED
JUN 15 1999
Department of Water Resources

RECEIVED
SEP 05 1996

TETON CO., ID.
CLERK RECORDER

THIS INDENTURE is made this 20th day of August, 1996, by **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, the "Grantor", and **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 December 13, 1990, whose mailing address is 3201 Ash Street, Palo Alto, California 94306-2240, the "Grantee".

WITNESSETH:

That the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the Grantee's successors and assigns forever, all of the following described property in the County of Teton, State of Idaho, to-wit:

Tract 1: Township 6 North, Range 46 East, Boise Meridian

Section 30: S $\frac{1}{2}$
Section 31: N $\frac{1}{2}$
Section 32: NW $\frac{1}{4}$
Lot 1 (NW $\frac{1}{4}$ NE $\frac{1}{4}$)
Lot 2 (SW $\frac{1}{4}$ NE $\frac{1}{4}$)
Lot 3 (NW $\frac{1}{4}$ SE $\frac{1}{4}$)

Township 6 North, Range 45 East, Boise Meridian

Section 36: NE $\frac{1}{4}$ NE $\frac{1}{4}$

Lots 50, 51, 52, 53, 54, 55 and 56, Galloway Hills
Subdivision Plat No. 4, as per the recorded plat thereof
Teton County, Idaho.

124973

FILED
AT THE REQUEST OF
First American
AT 12 MINUTES PAST 1 P M
DATE *September 5 1996*
Boyd Charles Smith
CLERK OF RECORD
BY *Jill Johnson Smith*
DEPUTY

Tract 2: Township 6 North, Range 45 East, Boise Meridian

Section 25: S½SE¼

Tract 3: Beginning at the Southeast Corner of Section 25, Township 6 North, Range 45 East, Boise Meridian, Teton County, Idaho and running thence North 0°02'51" East 2239.79 feet along the East section line to the true point of beginning; thence South 57°09'28" West 39.11 feet to the edge of county road easement; thence South 57°09'28" West 55.56 feet along fence line; thence South 83°42'38" West 531.14 feet; thence North 75°46'11" West 410.84 feet; thence North 62°29'07" West 386.35 feet; thence North 68°08'39" West 71.53 feet; thence North 74°46'44" West 245.93 feet; thence South 89°36'04" West 477.0 feet; thence South 82°00'35" West 517.30 feet to the Section ¼ line; thence South 0°06'12" East 1105.68 feet; thence North 89°58'38" East 2638.47 feet; thence North 0°02'51" East 918.71 feet to the point of beginning.

SUBJECT TO THE FOLLOWING:

1. Rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit, and rights-of-way and easements established or of record and encroachments, overlaps and other matters which would be disclosed by an accurate survey.
2. Agreement for Electric Service recorded November 28, 1988, Recorder's No. 103448, records of Teton County, Idaho.
3. Electric Line Right-of-Way Easement recorded November 28, 1988, Recorder's No. 103489, records of Teton County, Idaho.

4. Agreement for Purchase of Power, between Don and Mary Lou Harlander as "Consumer", and Fall River Rural Electric Cooperative, Inc. as "Seller", recorded November 7, 1985, Recorder's No. 97780, records of Teton County, Idaho.
5. Agreement for Electric Service recorded November 28, 1988, Recorder's No. 103449, records of Teton County, Idaho.
6. Electric Line Right-of-Way Easement recorded November 28, 1988, Recorder's No. 103490, records of Teton County, Idaho.
7. Restrictive covenants included in Warranty Deed, recorded October 27, 1992, Recorder's No. 111350, records of Teton County, Idaho.
8. Electric Line Right-of-Way Easement recorded October 24, 1994, Recorder's No. 117962, records of Teton County, Idaho.
9. Agreement for Electric Service recorded October 24, 1994, Recorder's No. 118002, records of Teton County, Idaho.
10. The effect of and conditions contained in Deed recorded March 7, 1956, in Book 77, page no. 423, as follows: Saving, excepting, and reserving however unto the Union Central Life Insurance Company, its successor and assigns, from all the above described lands, an undivided one-half of the oil, gas and other hydrocarbons and minerals now or at any time hereafter situated therein and thereunder together with all easement and rights necessary or convenient for the production, storage and transportation thereof and the exploration and testing of said real property and also the right to drill for products and use water from the said property in connection with drilling or mining operations thereon.
11. Subject to the reservations and exceptions in Warranty Deed from the corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints to Edmund S. Twining, III and Susan C. Twining, husband and wife, wherein grantor specifically reserves and excepts unto itself all minerals, coal, carbons, hydrocarbons, oil, gas, chemical elements and compounds whether in solid, liquid or gaseous form, and all steam and other forms of thermal energy on, in or under the above-described land; recorded April 1, 1986, Recorder's No. 98530, official

records of Teton County, Idaho. Also subject to fence encroachments as shown on Property Survey dated February 8, 1986, prepared by A W Engineering of Victor, Idaho.

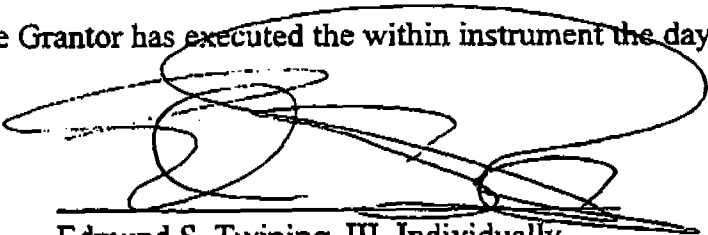
12. Existing irrigation canal, notice of which is given by that certain Contract of Sale recorded March 6, 1972, Recorder's No. 70654, records of Teton County, Idaho. "Subject however to an easement for the existing irrigation canal and maintenance thereof.
13. Covenants, Conditions and Restrictions recorded as Instrument No. 84484, recorded November 7, 1979, but deleting any covenants, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions, or restrictions violate 42 USC 3604(c).

TOGETHER with all water, gas, oil and geothermal rights owned by Grantor which are appurtenant to such property and all other tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

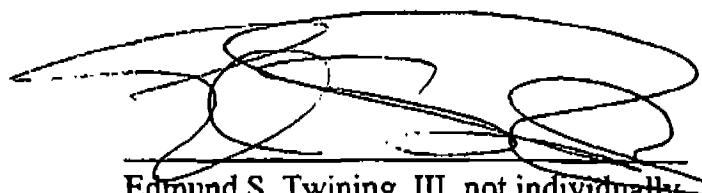
TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's successors and assigns forever. The Grantor and the Grantor's heirs and successors shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the Grantee's successors and assigns, against the Grantor and the Grantor's successors and assigns, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

In construing this Warranty Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.



Edmund S. Twining, III, Individually

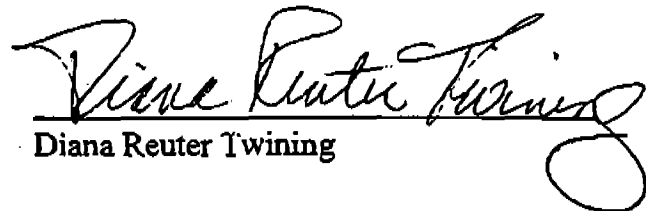


Edmund S. Twining, III, not individually
but as Trustee of the Trust under the Will
of Susan Clark Twining for Edmund S.
Twining, III, also known as the Residuary
Trust U/W of Susan C. Twining



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

The undersigned, Diana Reuter Twining, as the spouse of Edmund S. Twining, III, does hereby acknowledge and agree that she does not have any community property interest or any other interest in the property described in the foregoing Warranty Deed and agrees that such property shall be transferred and conveyed in a manner set forth therein without any claim or interest being asserted in such property by the undersigned.

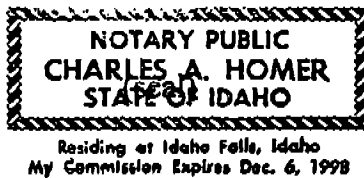


Diana Reuter Twining

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 20th day of August, 1996, before me, the undersigned, a notary public in and for said State, personally appeared **Edmund S. Twining, III**, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

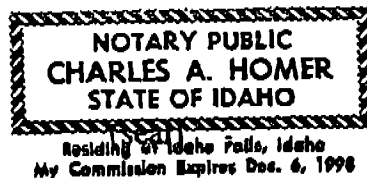


Charles A. Homer
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 12/6/98

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 20th day of August, 1996, before me, the undersigned, a notary public in and for said State, personally appeared **Edmund S. Twining, III**, known or identified to me to be the person whose name is subscribed to the within instrument 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 and acknowledged to me that he executed the same as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Charles A. Homer
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 12/6/98

STATE OF New York)
)ss.
County of Otsego)

On the 22nd day of August, 1996, before me, the undersigned, a notary public in and for said State, personally appeared **Jane Forbes Clark, II**, known or identified to me to be the person whose name is subscribed to the within instrument 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 and acknowledged to me that she executed the same as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

MARY E. HIGGINS
NOTARY PUBLIC, State of New York
No. 4940232 Otsego County
(seal) Commission Expires 10-11-96

Mary E. Higgins
Notary Public for New York
Residing at Melville, N.Y.
My Commission Expires: 10-11-96

STATE OF IDAHO)
)ss.
County of Bannock)

On the 20th day of August, 1996, before me, the undersigned, a notary public in and for said State, personally appeared **Diana Reuter Twining**, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

NOTARY PUBLIC
CHARLES A. HOMER
STATE OF IDAHO
Residing at Idaho Falls, Idaho
My Commission Expires Dec. 6, 1998

Charles A. Homer
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 12/6/98

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7 - WARRANTY DEED

124973

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ASSIGNMENT OF NOTICE OF CLAIMS

RECEIVED

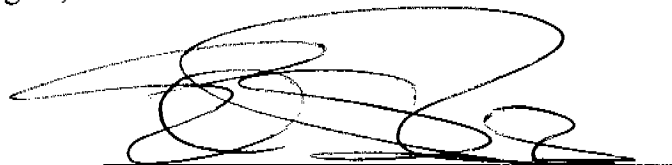
SEP 16 1996

Department of Water Resources
Eastern Region

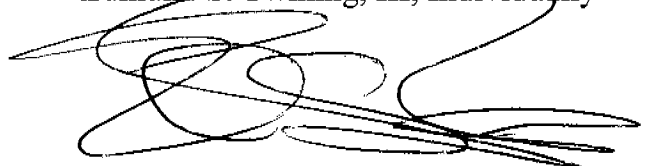
The undersigned, **EDMUND S. TWINING, III**, a married man dealing with his sole and separate property and **EDMUND S. TWINING, III** and **JANE FORBES CLARK, II**, acting not individually but as Trustees of the Trust under the Will of Susan Clark Twining for Edmund S. Twining, III, also known as the Residuary Trust U/W of Susan C. Twining, hereby assign to **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 under Trust Agreement dated December 13, 1990, whose mailing address is 3201 Ash Street, Palo Alto, California 94306-2240, the following:

All our right, title, and interest in and to Notice of Claim Nos. 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; A22-00130B; A22-00130D; A22-00136C; A22-00160; A22-00312; A22-00313; A22-00481A; A22-00482A; A22-00483A to a Water Right Acquired Under State Law.

Made this 20th day of August, 1996.



Edmund S. Twining, III, Individually



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

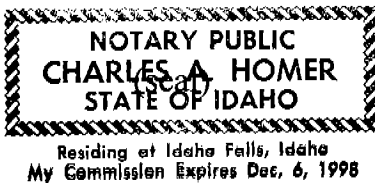
Jane Forbes Clark

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

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 20th day of August, 1996, before me, the undersigned, a notary public in and
for said State, personally appeared **Edmund S. Twining, III**, known or identified to me to
be the person whose name is subscribed to the within instrument and acknowledged to me
that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal,
the day and year in this certificate first above written.

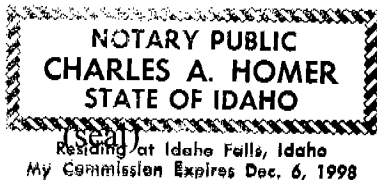


Charles A. Homer
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 12/6/98

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 20th day of August, 1996, before me, the undersigned, a notary public in and for said State, personally appeared **Edmund S. Twining, III**, known or identified to me to be the person whose name is subscribed to the within instrument 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 and acknowledged to me that he executed the same as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



[Signature]
Notary Public for Idaho
Residing at Idaho Falls Idaho
My Commission Expires: 12/6/98

STATE OF New York)
)ss.
County of Otsego)

On the 22nd day of August, 1996, before me, the undersigned, a notary public in and for said State, personally appeared **Jane Forbes Clark, II**, known or identified to me to be the person whose name is subscribed to the within instrument 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 and acknowledged to me that she executed the same as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

MARY E. HIGGINS
NOTARY PUBLIC, State of New York
No. 4940232, Otsego County
Commission Expires 10-11-96

Mary E Higgins
Notary Public for New York
Residing at Milford, N.Y.
My Commission Expires: 10-11-96

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EDMUND S. AND SUSAN TWINING III
Teton Ranch

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

*Lot 1, 2, 3 & NW¼
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

Lot 1, 2, 3 & NW¼ 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

NOV 06 1990

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

NE%SW% NW%SW%

SW%SW% SE%SW%

NE%SE% NW%SE%

SW%SE% SE%SE%

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

NE%SW% NW%SW%

SW%SW% SE%SW%

Diversion: SW%NE% - 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: SW% Sec. 30, Twn. 6 N., Rge 46 EBM

Diversion: SW%NE% - 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: SE%, Sec. 30, Twn. 6 N., Rge. 46
EBM

Diversion: SW%NE%, Sec. 29, Twn. 6 N., Rge
EBM (originally reported as Rge 45)

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

MICROFILMED
NOV 06 1960

22-0488 (DECREE)

Source: North Leigh Creek
Amount: .7 cfs
Priority Date: June 1, 1899
Use: Irrigation
Place of Use: SE $\frac{1}{4}$, 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: SE $\frac{1}{4}$, 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: S $\frac{1}{4}$, Section 30, Twn 6 N., Rge 46
EBM
Diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Twn. 6 N., Rge 46
EBM
Published: Teton Valley News
July 31, 1980 & August 1, 1980

22-7258 (PERMIT)

Source: Well
Amount: 6.4 cfs
Date: August 31, 1977
Use: Irrigation and Stock Water
Place of Use: S $\frac{1}{4}$ Section 30, Twn. 6 N., Rge 46
EBM
Diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$ 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
NOV 06 1990

Galloway Hills

Water right unknown

Domestic Wells

A22-12134

Teton Ranch

Location: SE³²/₄NW³²/₄, Sec. 32, Twn. 6 N., Rge 46 EBM
Size: 6"
Depth: Unknown
History: Estimated 50 years
Use: Domestic: 2 homes, stock water

Stillers Run

A22-12135

x(1) Location: NW³²/₄SW³²/₄, Sec. 30, Twn 6 N, Rge 46 EBM
Size: 6"
Depth: Unknown
History: Estimated 50 years
Use: Domestic - 1 house, stock water

A22-12136

(2) New South Well
Location: NW³²/₄SW³²/₄, Sec. 30, Twn 6 N, Rge 46 EBM
Size: 6"
Depth: 120 feet
Date Drilled: April 30, 1987
Use: Domestic and Stock Water

A22-12137

(3) New North Well
Location: NW³²/₄SW³²/₄, Sec 30, Twn 6 N, Rge 46 EBM
Size: 6"
Depth: 120 feet
Date Drilled: April 30, 1987
Use: Domestic and Stock Water

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

NOV 06 1988