

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 22-130D
Date Received: 10/5/88
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

*Discard this
copy when
signed original
is returned.*

1. Name of Claimant(s)

BOYD C & JILL J SMITH TRUST Phone: (415)493-5411
3201 ASH ST
PALO ALTO CA USA 943062240

2. Date of Priority: 01/22/1916

3. Source: NORTH LEIGH CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County
06N	45E	30	NW	NE	SE	TETON

5. Description of diverting works:

HEADGATE/DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	0.8	

7. Total Quantity Appropriated is:
0.8 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	45E	25	SE	SE	IRRIGATION	40
Section Acres						40
Total Acres						40

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:

14. Remarks:

THIS CLAIM IS FOR A PORTION OF DECREED RIGHT 22-0130
WATER IS DIVERTED INTO WEAVER DITCH TO LITTLE DRY CREEK WHICH IS USED AS A NATURAL
CARRIER TO THE PLACE OF USE AND DIVERTED BY TEMPORARY DAMS. WATER IS ALSO DIVERTED
FROM HEADGATE ON RICKS CANAL IN THE SENESE OF SEC. 25, T6N, R45E
PAID #E002913 *CHANGED OWNERSHIP PER REQUEST/JH/6-23-99*

15. Basis of Claim: Decreed

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): _____ Date: _____

_____ Date:

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

AJ0749NP
No. A22-00130D

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	
					0.80 CFS	
					TOTAL DIVERSION:	
					CONSUMPTIVE USE:	120.00 AFA

Water Source: ~~GROUNDWATER~~

North Leigh Creek Tributary to: *Teton River*

Stage: DECREED

Point(s) of Diversion: T06N R45E S30 NWNESE

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	25	:																	:	
																			40	:	40.0
																			TOTAL ACRES	:	40.0

POU County: TETON

Non-Irrigation Uses: NONE

Other Rights: A22-00515, A22-00516, A22-00517, A22-00136.

Remarks: GEN THIS CLAIM IS FOR A PORTION OF DECREED RIGHT 22-0130.
WATER IS DIVERTED INTO WEAVER DITCH TO LITTLE DRY CREEK WHICH IS
USED AS A NATURAL CARRIER TO THE PLACE OF USE AND DIVERTED BY
TEMPORARY DAMS. WATER IS ALSO DIVERTED FROM HEADGATE ON RICKS
CANAL IN THE SENESE OF SEC. 25, T6N, R45E.
PAID #E002913
CHANGED OWNERSHIP PER REQUEST/JH/6-23-99

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

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: **A22-00130D**
Date Received: 10/ 5/1988
Receipt No: ~~E002913~~
Received By: 8777777

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

1. Name: EDMUND S TWINING III
Address: PO BOX 101
TETONIA ID

208-456-2310

83452

2. Date of Priority: JAN 22, 1916

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	45E	30	NW	NE	SE		TETON

5. Description of diverting works:
HEADGATE/DITCH

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 120.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06N	45E	25	SE	SE		IRR	40.0

Section Acres 40.0

10. Place of Use: Continued

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:

A22-00515, A22-00516, A22-00517, A22-00136.

14. Remarks:

THIS CLAIM IS FOR A PORTION OF DECREED RIGHT 22-0130.
WATER IS DIVERTED INTO WEAVER DITCH TO LITTLE DRY CREEK WHICH IS
USED AS A NATURAL CARRIER TO THE PLACE OF USE AND DIVERTED BY
TEMPORARY DAMS. WATER IS ALSO DIVERTED FROM HEADGATE ON RICKS
CANAL IN THE SENESE OF SEC. 25, T6N, R45E.
PAID #E002913

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

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: _____

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): _____ Date: _____

_____ Date: _____

450

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: A22-11099
Date Received: 8/22/1988
Receipt No: E 002913
Received By: TO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DONALD C. HARLANDER 208-456-2864
Address: P.O. BOX 8
DRIGGS, ID 83422

AND/OR

Name: MARY LOU HARLANDER 208-456-2864
Address: P.O. BOX 8
DRIGGS, ID 83422

2. Date of Priority: JAN 22, 1916

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	45E	30	NW	NE	SE		TETON

5. Description of diverting works:
HEADGATE/DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.600		

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

8. Total consumptive use is 160.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	45E	25	SE	SW		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	80.0
						Total Acres	80.0

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:
A22-00515, A22-00516, A22-00517, A22-11098.

14. Remarks:
THIS CLAIM IS FOR A PORTION OF DECREED RIGHT 22-0130.

15. Basis of Claim: DECREED
Water Right Number: 0130
Case Number:
Court :
Decree date:

Decree Plaintiff

vs

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: _____

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): Don Fairlander Date: 10/4/88
Mary Lou Fairlander Date: 10/11/88

State of Idaho)
County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this 4 day
of October 19 88

Joan D Brewer
Notary Public

Seal

Residing at Idaho
My Commission Expires 4-10-93

16W R45E

PID



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.

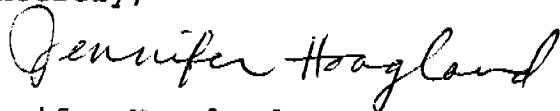
The claims in the third column are all domestic and stock claims, currently before the Snake River Basin Adjudication Court in Twin

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

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

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

C. TIMOTHY HOPKINS
WILLIAM C. RODEN
GREGORY L. CROCKETT
JOHN D. HANSEN
D. FREDRICK HOOPES
LARRY 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

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

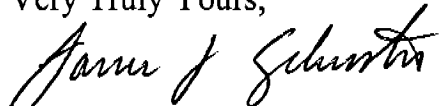
Dear Glen:

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 you assistance in this very confusing situation.

Very Truly Yours,


for Teresa L. Sturm

TLS/dw
Enclosures

SEPTEMBER 17, 1996

TIMOTHY HOPKINS
PO BOX 51219
IDAHO FALLS ID 83405-1219

RE: CHANGE IN OWNERSHIP FOR TWINING AND SMITH

Dear Mr. Hopkins:

Enclosed are the documents you submitted to change the ownership from Twining to Smith. In order to process the change there are several items that need to be discussed.

First of all, "assignments for permits" are to be submitted to Jim Johnson's office in Boise with a fee of \$25. The address for the State office is 1301 N Orchard St, Boise ID 83706-2237.

The Department is now requesting a Warranty Deed with an aerial photo or platt map, showing the property being conveyed, accompany all Notices for Change of Ownerships (NCO). This applies even if both parties sign the NCO.

The Notices of Claim not found to be in Twining's name are "circled". They are A22-00043; 22-00489; and 22-00028.

A22-00063 is not listed on the NCO you sent, but it has been filed under Twining's name in the SRBA. Is it to be included in the "change"?

Please call if you have any questions regarding these changes or additions.

Sincerely,

Jo Thompson
Adjudication Secretary

Enclosure

HOPKINS, RODEN, CROCKETT, HANSEN & HOOPES
LAWYERS

SALISBURY BUILDING - 428 PARK AVENUE
P.O. BOX 51219
IDAHO FALLS, IDAHO 83405-1219
TELEPHONE (208) 523-4445
FAX (208) 523-4474

C. TIMOTHY HOPKINS
WILLIAM C. RODEN
GREGORY L. CROCKETT
JOHN D. HANSEN
D. FREDRICK HOOPES
LARY S. LARSON
PAUL B. RIPPEL
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DAVID H. SHIPMAN
KATHERINE STEELE MORIARTY
JOHN R. ROWE
REED E. ANDRUS
CURTIS R. SMITH
WILLIAM E. DEAN
MARK G. PANNELL*
STEVEN A. RICHARDS

*ADMITTED TO PRACTICE IN INDIANA ONLY

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

ROBERT A. deGROOT
REGISTERED PATENT AGENT

BOISE OFFICE
802 WEST BANNOCK - SUITE 900
P.O. BOX 2110
BOISE, IDAHO 83701-2110
TELEPHONE (208) 336-7930
FAX (208) 336-9154

September 13, 1996

RECEIVED

SEP 16 1996

Department of Water Resources
Eastern Region

State of Idaho Department of Water Resources
900 North Skyline Drive
Idaho Falls, Idaho 83402-1718

Re: Twining/Smith--Teton County--Assignment of Claims--
Notice of Change of Water Right Ownership--Assignment of
Permit

Dear Folks:

This firm represents Boyd Charles Smith and Jill Johnson Smith who are the new owners and successors in interest of water rights and claims to water rights with respect to real property in Teton County, Idaho, formerly owned by Edmund S. Twining, III and others. You will see that we have enclosed an original Notice of Change of Water Right Ownership signed by the appropriate parties, an Assignment of Notice of Claims signed by the former owners and an Assignment of Permit signed by the former owners. We ask that these documents be filed by the Department and that your receipt of the same for filing be confirmed to us at the above address at your next convenience.

Should you have any questions in this matter please contact me at any time.
Thank you for your cooperation and assistance.

Very truly yours,


C. Timothy Hopkins

CTH/jmk
Encs.

cc: Boyd C. Smith

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

[] 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

[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.)

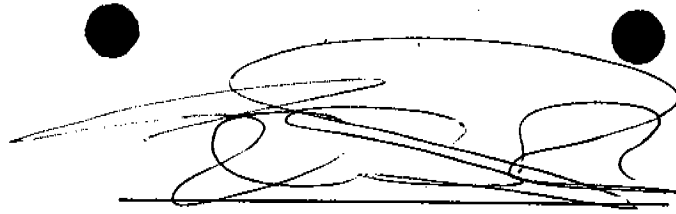
[x] Signature of New
Owner/Claimant(s) *Paul Charles Starn* Date 30 Aug 96

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

Jill Johnson Smith Date 8/30/96
Jill Johnson Smith, and her successors,

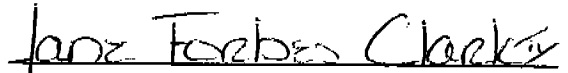
Jill Johnson Smith, and her successors,
not individually, but as Trustee of The Boyd
Charles Smith and Jill Johnson Smith Trust
created by that certain Trust Agreement dated
December 13, 1990

[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



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

DECEMBER 16, 1992

CHARLES A HOMER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 51030
IDAHO FALLS ID 83405

RE: CHANGE IN OWNERSHIP FOR A22-00515, 00516, 00517,
0011098 (RENUMBERED TO 00136) AND 11099 (RENUMBERED TO
00130 (EDMUND TWINING III))

Dear Mr. Homer:

The request for Change in Ownership concerning your client's Notices of Claim in the above reference has been processed and the Notices modified to reflect your client as the new owner for a portion of the rights.

A22-00136 was split as follows: To Edmund Twining III, A22-00136C, 1.60 cfs on 80 acres; to Donald Harlander, A22-00136B, 0.80 cfs on 40 acres.

A22-00515 was split as follows: To Edmund Twining III, A22-00515B, 0.60 cfs on 80 acres; to Donald Harlander, A22-00515A, 0.30 cfs on 40 acres.

A22-00130 was split as follows: To Edmund Twining III, A22-00130D, 0.80 cfs on 40 acres; to James Bush, A22-00130E, 0.80 cfs on 40 acres.

A22-00517 was split as follows: To Edmund Twining III, A22-00517B, 0.60 cfs on 80 acres; to Donald Harlander, 0.30 cfs on 40 acres.

A22-00516 was split as follows: To Edmund Twining III, A22-00516B, 0.40 cfs on 80 acres; to Donald Harlander, A22-00516A, 0.20 cfs on 40 acres.

Review the enclosed forms and if there are other corrections or questions, feel free to contact this office.

MICROFILMED

APR 08 1994

Charles A Homer
Page - 2 -

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

for *Ja Thompson*
Dave Carlson
Water Right Agent, Adjudications

DC:jt

Enclosure: Copies Twining's Notices

cc: Donald C Harlander/Change Ownership Letter
Copies of Notices of Claim

File: P

WFOH:ALM

APR 08 1994

HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FALLS OFFICE

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
MICHAEL D. CRAPO
GAYLE A. SORENSON, P.A.
DONALD L. HARRIS
MARIE T. TYLER
JOHN G. SIMMONS
ROBERT M. FOLLETT
KUMEN L. TAYLOR
JAMES K. SLAVENS

WEST ONE BANK
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
TELEFAX (208) 523-9518

KEY FINANCIAL CENTER
702 W. IDAHO SUITE 610
BOISE, IDAHO 83702

TELEPHONE (208) 343-0820
TELEFAX (208) 343-8078

BOISE OFFICE

WM. LYMAN BELNAP, P.A.
RANDALL B. REED
RONALD D. CHRISTIAN

ARTHUR W. HOLDEN
(1877-1967)
ROBERT B. HOLDEN
(1911-1971)
MICHAEL D. CRAPO
(1949-1982)
WILLIAM S. HOLDEN
(1907-1988)

October 21, 1992

RECEIVED

OCT 22 1992

Department of Water Resources
Eastern District Office

Department of Water Resources
Eastern District Office
150 Shoup Avenue
Idaho Falls, Idaho 83401

Re: Assignment of Water Rights
Harlander/Twining

Gentlemen:

Our firm recently represented Edmund S. Twining, III, who purchased certain property in Teton County, Idaho, from Mr. and Mrs. Donald C. Harlander. Mr. Twining purchased the property as to an undivided 50% interest individually in his own name and as to an undivided 50% interest as Personal Representative of the Estate of Susan Twining.

Enclosed are "Notices Concerning Water Rights for Property" and "Assignment of Notice of Claim" forms which provide for the partial assignment of the SRBA claims filed under the Claim Nos. A22-~~11098~~, A22-~~11099~~, A22-00517, A22-00515, and A22-00516.

RENUMBERED 00136 00130

Also enclosed is a "Notice Concerning Water Rights for Property", "Assignment of Notice of Claim", and "Assignment of Application for Permit" pertaining to the total assignment of Water Right No. 22-07609. You should note that the enclosed documents provide for the full and complete assignment of Water Right No. 22-07609 to Mr. Twining. The SRBA claim which was previously filed on this water right indicated that the water right for the ground water was to be appurtenant to not only the 80 acres purchased by Mr. Twining but also 20 acres which is located to the West of the Twining property.

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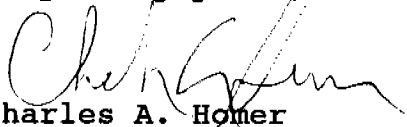
Department of Water Resources
October 21, 1992
Page 2

The enclosed forms provide specifically that the water right will no longer continue to be appurtenant to the 20 acres which is described as the Southeast Quarter of the Southwest Quarter of Section 25, but rather shall be appurtenant to the 80 acres located in the Southwest Quarter of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter of Section 25.

It is my understanding that a field exam for this permit has not yet been completed and I presume that when the field exam is completed, the exam will confirm that the license which is to be issued should only pertain to the 80 acres which was purchased by Mr. Twining and should not apply to the adjoining 20 acres.

Please call if you have any questions pertaining to these matters or need any additional information from our office. After these forms have been processed, I presume that you will return confirming information directly to our office so that we may provide the same to Mr. Twining.

Very truly yours,


Charles A. Homer

CAH/sb
Enc.
#5494

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RECEIVED

OCT 22 1992

State of Idaho

Department of Water Resources Department of Water Resources
Eastern District Office

ASSIGNMENT OF NOTICE OF CLAIM

DONALD C. HARLANDER and MARY LOU HARLANDER, husband and wife, hereby assign to EDMUND S. TWINING, III, acting both individually and as Personal Representative of the estate of Susan Twining, of P. O. Box 101, Driggs, Idaho 83422:

The following described portion of our right, title, and interest in and to Notice of Claim No. A22-11099 to 001308 a Water Right Acquired Under State Law. *RENUMBERED*

This is a partial transfer and there is only being transferred the water rights which are appurtenant to the following described property:

SE1/4 SE1/4 of Section 25, Township 6 North, Range 45 E.B.M.

Pursuant to this transfer .8 cfs of the total amount of 1.6 cfs shown on the above referred to claim is being transferred.

Made this 20 day of October, 1992.

Donald C. Harlander
Donald C. Harlander

Mary Lou Harlander
Mary Lou Harlander

STATE OF IDAHO)
County of Bonneville) ss.

On this 20th day of October, 1992, personally appeared before me the signers of the above instrument, who duly acknowledged to me that they executed the same.

NOTARY PUBLIC
CHARLES A. HOMER
Residing at Idaho Falls, Idaho
My Commission Expires
December 6, 1992
STATE OF IDAHO

Notary Public *Charles A. Homer*
Residing at Idaho Falls
My Commission Expires 12/6/92

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NOTICE CONCERNING WATER RIGHTS FOR PROPERTY
(to be mailed to the Idaho Department of Water Resources)

DATE OF CLOSING: October 20, 1992.

LEGAL DESCRIPTION OF PROPERTY: See Description on attached Deed.

[] Served Only by a Public Service Water Supply (domestic 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 Right Number: A22-11099 *renumbered to 00130*

[X] Name and Address of Former Owner/Claimant(s): Donald C. & Mary Lou Harlander
P. O. Box 8
Driggs, Idaho 83422

[X] New Mailing Address: Edmund S. Twining, III
P. O. Box 101
Tetonia, Idaho 83452

[X] New Telephone Number: (208) 456-2310

[X] Does the change in ownership result in a splitting of the water right claimed? X yes no

This is a partial transfer and there is only being transferred the water rights which are appurtenant to the following described property:

SE1/4 SE1/4 of Section 25, Township 6 North, Range 45
E.B.M. in Teton County, Idaho.

Pursuant to this transfer .8 cfs of the total amount of 1.6 cfs shown on the above referred to claim is being transferred.

[X] Signature of New Owner/Claimant:


Edmund S. Twining, III, acting both individually and as Personal Representative of the estate of Susan Twining

Date:

10/20/92

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[X] Signature of Former
Owner/Claimant(s):

Donald C. Harlander

Mary Lou Harlander

Date:

October 20, 1992

[X] Attach proof of
ownership, describe
proof attached:

(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 claimant.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date:

By:

Further Action Needed:

Further Action Taken

Dated:

By:

Final Review and Data-Entry

Dated:

By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources

Copies for Former Owner and New Owner

CAH/28081(4)/rfs
#5494

WARRANTY DEED

THIS INDENTURE is made this 20th day of October, 1992, by DONALD C. HARLANDER and MARY LOU HARLANDER, husband and wife, the Grantor, and EDMUND S. TWINING, III, a single man, acting individually as to an undivided 50% interest, and Edmund S. Twining III, acting as Personal Representative of the estate of Susan Twining as to an undivided 50% interest, whose mailing address is P. O. Box 101, Teton, Idaho 83452, 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 heirs and assigns forever, all of the following described property in the County of Teton, State of Idaho, to-wit:

The South Half of the Southeast Quarter of Section 25, Township 6 North, Range 45 East Boise Meridian, together with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom, including but not limited to all of the water rights which are appurtenant to such property and which are referred to under the following Claim Numbers which have been filed with the Idaho Department of Water Resources pertaining to the pending Snake River Basin Adjudication: 22-07609, A22-00516, A22-00515, A22-00517, A22-11098 and A22-11099.

SUBJECT TO THE FOLLOWING:

1. All governmental regulations and zoning ordinances affecting such Property.
2. Agreement to purchase power, between Don and Mary Lou Harlander as "Consumer", and Fall River Rural Electric Cooperative, Inc. as "Seller", recorded November 7, 1985, recorder's number 97780, official records of Teton County, Idaho.
3. Also, such property is transferred subject to the following restrictive covenants which shall be for the

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benefit of the adjoining South Half of the Southwest Quarter of Section 25, Township 6 North, Range 45 East, Boise Meridian, which is owned by Grantor:

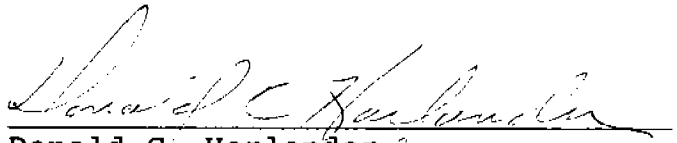
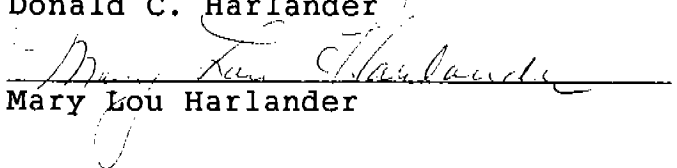
1. The Property may not be subdivided into more than two parcels.
2. Buildings, permanent or temporary, shall be set back a minimum of 450 feet from the South boundary line of the Property. No vehicular parking area or vehicular driveways or roadways shall be permitted within 450 feet from the South boundary line of the Property.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any 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 heirs and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the Grantee's heirs and assigns, against the Grantor and the Grantor's heirs, 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.


Donald C. Harlander

Mary Lou Harlander

NOTICE CONCERNING WATER RIGHTS FOR PROPERTY
(to be mailed to the Idaho Department of Water Resources)

DATE OF CLOSING: October 20, 1992.

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[X] Water Right Number: A22-11099 *retransferred to 00130*

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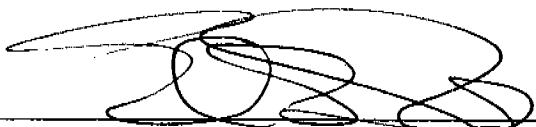
[X] Does the change in ownership result in a splitting of the water right claimed? X yes _____ no

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E.B.M. in Teton County, Idaho.

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[X] Signature of New Owner/Claimant:


Edmund S. Twining, III, acting both individually and as Personal Representative of the estate of Susan Twining

Date:

10/20/92

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[X] Signature of Former
Owner/Claimant(s):

Donald C. Harlander
Donald C. Harlander

Mary Lou Harlander
Mary Lou Harlander

Date:

October 20, 1992

[X] Attach proof of
ownership, describe
proof attached:

(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 claimant.

FOR IDWR USE ONLY:

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Date:

By:

Further Action Needed:

Further Action Taken

Dated:

By:

Final Review and Data-Entry

Dated:

By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources

Copies for Former Owner and New Owner

CAH/28081(4)/rfs
#5494

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