

06/13/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-11960

NAME AND ADDRESS: BOYD CHARLES SMITH
301 COLERIDGE AVE
PALO ALTO CA 94301

JILL JOHNSON SMITH
301 COLERIDGE AVE
PALO ALTO CA 94301

SOURCE: UNNAMED STREAM

TRIBUTARY: TETON CREEK

QUANTITY: 1.400 CFS

PRIORITY DATE: 05/11/1900

POINT OF DIVERSION:

T04N R45E S4 SWNENW Lot 3 Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.400 CFS

PLACE OF USE: IRRIGATION Within TETON County

T04N R45E S04 Lot 4 NWNW	22.0	T04N R45E S05 Lot 1 NENE	30.0
T04N R45E S05	SENE	18.0	

70 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

This claim is based upon 22-649.

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

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 A22-11960
Date Received Nov 17 92
Receipt Number E002673

also receipt # EG 18111

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

RECEIVED

NOV 17 1992

Department of Water Resources
Eastern District Office

1. Name of Claimant(s) Boyd Charles Smith and Jill Johnson Smith, or their successors(s), under the Boyd Charles Smith and Jill Johnson Smith Trust Agreement, dated December 13, 1990

Mailing Address 301 Coleridge Avenue, Palo Alto, CA Zip 94301

2. Date of Priority (Only (1) per claim) May 11, 1900

3. Source of water supply (a) Driggs Springs and Swamp
which is tributary to (b) Teton River

- 4.a. Location of existing
point of diversion is: Township 4N. Range 45E. Section 4,
SW 1/4 of NE 1/4 of NW, Govt. Lot, 4 B.M., County of Teton
Additional points of diversion if any: _____

- b. If instream flow, beginning point of claimed instream flow is:
Township 4N. Range 45E. Section 4, SE 1/4 of NW 1/4 of NW 1/4,
and the NE 1/4 of SW of NW, same Township, Range and Section.
Govt. Lot _____ B.M., County of Teton
ending point is: Township 4N. Range 45E. Section 5, NW 1/4 of
SE 1/4 of NE 1/4 Govt. Lot _____ B.M., County of Teton

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. _____

Wood diversion dam and ditches to place of use -- gravity irrigation.

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APR 11 1994

6. Water is claimed for the following purposes:

(Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 04/15 to 10/15 amount 3.2 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.2 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 120 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.)
S/60 beef cattle.

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP:RNG:SEC:	NE1/4	:	NW1/4	:	SW1/4	:	SE1/4	:	TL
:	:	:	NE 'NW 'SW 'SE	:	NE 'NW 'SW 'SE	:	NE 'NW 'SW 'SE	:	:
4N :45E: 4 :	'	:	' 25' S :	:	'	:	'	:	:25
:	5 :	37'	' S&3: 5 :	:	'	:	'	:	:45
:	:	:	:	:	:	:	:	:	:
:	:	:	:	:	:	:	:	:	:
:	:	:	:	:	:	:	:	:	:
:	:	:	:	:	:	:	:	:	:

Total number of acres irrigated 70

11. In which county(ies) are lands listed above as place of use located?
Teton

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

14. Remarks:

Water right (originally 01-0026) based on deeds and page 72 of District #1 water records (Aug. 1976) - (N. A. Barrett). Miscellaneous rights in Teton Basin. See attached page. This claim amended to correct the places of diversion, to correct the priority date and the amount appropriated (based on recently discovered records). Instream stockwater use also added to this claim. 12/27/1989 -- R.V.W.

Last Name SMITH Ident. Number A22-11960

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APR 11 1994

15. Basis of Claim (Check one) Beneficial Use X Posted Notice _____
Permit _____ Decree _____ License _____

If applicable provide IDWR Water Right Number A22-11960
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 0

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) *Boyd Charles Smith* Date 12 Nov 92

For Organizations: I do solemnly swear or affirm that we are trustees of the Boyd Charles Smith and Jill Johnson Smith Trust, that we have signed Organization

the foregoing document in the space below as trustees Title
of said trust and that the statements contained in the Organization

foregoing document are true and correct.

Signatures of Authorized Agents *Boyd Charles Smith*
BOYD CHARLES SMITH

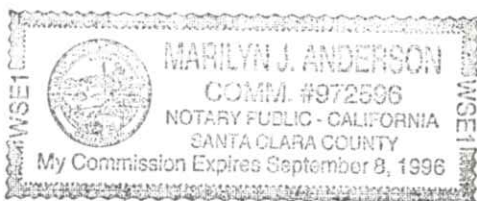
Jill Johnson Smith
JILL JOHNSON SMITH

Title and Organization trustees, the Boyd Charles Smith and Jill Johnson Smith Trust Date 12 Nov 92

State of California)
County of Santa Clara) SS.

Subscribed and sworn (or affirmed) before me this 12th day of November, 1992.

Notary Public *Marilyn J. Anderson*
Residing at *Palo Alto California*
My Commission Expires *September 8, 1996*



MICROFILMED
APR 11 1994

Last Name SMITH Ident. Number A22-11960

17. Notice of Appearance.

Notice is hereby given that I, Kent W. Foster will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature

Kent W. Foster

Address P.O. Box 50130, Idaho Falls, Idaho 83405

Date

4/17/92

MICROFILMED

APR 11 1994

Last Name SMITH

Ident. Number A22-11960

Logged in
11-20-92-j

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: **A22-11960**
Date Received: 9/27/1988
Receipt No: E002673
Received By: _____

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

1. Name: BOYD CHARLES SMITH 415-327-7878
Address: TRUSTEE
301 COLERIDGE AVENUE
PALO ALTO CA 94301

Name: JILL JOHNSON SMITH 415-327-7878
Address: TRUSTEE
301 COLERIDGE AVENUE
PALO ALTO CA 94301

2. Date of Priority: MAY 11, 1900

3. Source: DRIGGS SPRINGS & SWAMP Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	45E	4	SW	NE	NW	4	TETON

Beginning Point of Minimum Instream Flow

04N	45E	4	SE	NW	NW	TETON
04N	45E	4	NE	SW	NW	TETON

Ending Point of Minimum Instream Flow

04N	45E	5	NW	SE	NE	TETON
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5. Description of diverting works:

WOOD DIVERSION DAM & DITCHES TO PLACE OF USE.- GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	3.200		

7. Total Quantity Appropriated is:

3.200 C.F.S. (and/or) A.F.A.



8. Total consumptive use is 120.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/60 BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	4	NW	NW	4	IRR	20.0
			SW	NW		STOCK	
						Section Acres	20.0
		5	NE	NE	1	IRR	37.0
			SE	NE		STOCK	
			SE	NE		IRR	3.0
						Section Acres	40.0
						Total Acres	60.0

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:

WATER RIGHT BASED ON DEEDS & PAGE 72 OF DIST. #1 WATER RECORDS (AUG. 1976) - (N. A. BARRETT). MISC. RIGHTS IN TETON BASIN. SEE ATTACHED PAGE.

THIS CLAIM AMENDED TO CORRECT THE PLACES OF DIVERSION, TO CORRECT THE PRIORITY DATE, & THE AMOUNT APPROPRIATED (BASED ON RECENTLY DISCOVERED RECORDS). IN STREAM STOCKWATER USE ALSO ADDED TO THIS CLAIM. 12/27/1989 - R.V.W.

CLAIMANTS ARE TRUSTEES OF THE BOYD C SMITH/JILLJOHNSON SMITH TRUST

15. Basis of Claim: BENEFICIAL USE

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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____, that I have signed the foregoing
document in the space below as _____ of
_____ and that the statements contained in the
_____ foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
_____ acting as attorney at law on behalf of the claimant signing above, and that
all notices required by law to be mailed by the director to the claimant
signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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NOV 6 1991

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.

DEC 28 1989

Department of Water Resources
Eastern District Office

CIVIL CASE NUMBER: 39576

Ident. Number: A22-11960
Date Received: 9/27/1988
Receipt No: E002673
Received By: [Signature]

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: EST. OF GEORGE H. SPENCER 208-734-6122
Address: RT. 3 BOX 6458
TWIN FALLS, ID 83301

2. Date of Priority: MAY 11, 1900

3. Source: DRIGGS SPRINGS & SWAMP Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	45E	4	SW	NE	NW	4	TETON

Beginning Point of Minimum Instream Flow							
04N	45E	4	SE	NW	NW		TETON
04N	45E	4	NE	SW	NW		TETON

Ending Point of Minimum Instream Flow							
04N	45E	5	NW	SE	NE		TETON

5. Description of diverting works:
WOOD DIVERSION DAM & DITCHES TO PLACE OF USE.- GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	3.200		

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

8. Total consumptive use is 120.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/60 BEEF CATTLE

A22-11960

Page 1

Date: 12/27/89

MICROFILMED
NOV 06 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	4	NW	NW	4	IRR	20.0
			SW	NW		STOCK	
						Section Acres	20.0
		5	NE	NE	1	IRR	37.0
			SE	NE		IRR	3.0
			SE	NE		STOCK	
						Section Acres	40.0
						Total Acres	60.0

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:

WATER RIGHT BASED ON DEEDS & PAGE 72 OF DIST. #1 WATER RECORDS (AUG. 1976) - (N. A. BARRETT). MISC. RIGHTS IN TETON BASIN. SEE ATTACHED PAGE.

THIS CLAIM AMENDED TO CORRECT THE PLACES OF DIVERSION, TO CORRECT THE PRIORITY DATE, & THE AMOUNT APPROPRIATED (BASED ON RECENTLY DISCOVERED RECORDS). IN STREAM STOCKWATER USE ALSO ADDED TO THIS CLAIM. 12/27/1989 - R.V.W.

15. Basis of Claim: BENEFICIAL USE

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 Organizations:

I do solemnly swear or affirm that I am Personal Representative of
Title
Estate of George Spencer, that I have signed the foregoing
Organization
document in the space below as Personal Representative of
Title
Estate of George Spencer and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Personal Representative
Title and Organization

12-27-89
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 27th day
of December 19 89

Robert V. Horstelt
Notary Public

Seal

Residing at Twin Falls, Idaho
January 16, 1995
My Commission Expires _____

7661 9 0 AON

TAN
R45E

$$\begin{array}{r} 30 \\ 3 \overline{) 90} \\ \underline{90} \\ 0 \end{array}$$

100

A72031

1

A-219

45

4-12

A-125

11-1-11

111

A-14

28

47

main ditch
Diversified Pl.

April 20 1890

NOT TO SCALE

Dish #1 Water Records

Owner (Orig. Owner)	Approx. Location	Stream	Date	Amount	Owner
(C. A. Costello)	not given	Spring Creek	June 15, 1895	2.4	J. Zohner
(C.A. Costello)	not given	Pine Creek	June 15, 1895	0.8	Kunz,
C.M. Hatch (A.I. Robertson)	Sec 14-3N-45E	Springs	June 1, 1896	0.2	Mille
C. Mickelson (J.P. Moffat)	Sec 18-5N-45E	Swamps	June 1, 1896	1.0	R. Kunz (
A.C. Gillette, W. Stratton, Utah Home Fire Ins Co. (J. Lauritzen)	Sec 17-3N-45E	Pine Creek	June 1, 1896	1.6	F. Kirks (M.H.)
Utah Home Fire Ins Co. (A. Larsen)	Sec 17-3N-45E	Lauritzen Spg	July 1, 1896	0.8	A. Winge (H.L.)
Octavus Smith	Sec 3-4N-45E	Buffalo Flat	Apr. 2, 1897	1.6	E. Kunz, (L.W.)
Mark Zohner	Sec 34-5N-45E	Buffalo Flat Spg	Apr. 2, 1897	0.8	
Gordon Sorensen	Sec 34-5N-45E	Buffalo Flat Spg	Apr. 1, 1897	0.8	
J. Ingram (I.T. Allen)	Sec 12-3N-45E	Cherry Creek & All Cherry Crk Springs	June 1, 1897	1.0	D.C. Bu W.F. Jam Calderw
B.F. Blodgett, F. Dirksen (F.E. Nelson)	Sec 5-3N-45E	Spring Creek	Apr. 15, 1898	2.4	Sanford
D. Nelson (J.L. Hoozier)	Sec 17-4N-46E	Spring Creek	June 1, 1898	2.4	(Perm
M.L. Kearsley (E.N. Kirsley)	Sec 17-3N-45E	Pine Creek	July 15, 1898	1.2	Kunz (I
New Int'l Mtg Bank (J. Beasley)	Sec 35-5N-45E	Teton Ri (also Springs	June 1, 1899	1.4	Ulrich (Lic
C.E. Carrington, C.P. Groschlose (J. Borrowman)	Sec 32-5N-45E	Wood Creek & Springs	June 1, 1899	1.6	Hal Ras L.N. Bal Lorin M V.A. Pi
(P.D. Letham)	not given	Driggs Swamp	July 15, 1899	2.8	F. Dirks
(N.A. Barrett)	not given	Driggs Spgs & Swamp	May 11, 1900	3.2	
(P.D. Letham)	not given	Driggs Swamp	July 15, 1900	2.4	G.P. Bag B.F. Boc
G.P. Bagley, A. Spencer (E. Bagshaw)	Sec 8-3N-45E	Pine Creek	Aug. 15, 1900	0.6	Mary L.
Vera Price	Sec 33-5N-45E	Buffalo Flat Spg	Aug. 20, 1900	1.6	First
(Maria Bevan)	Sec 17-5N-45E	Swamp Creek	Apr. 6, 1901	1.6	J.M. L
Wm Hansen (L.C. Waterman)	Sec 26 & 35 6N-45E	Little Dry Crk	June 1, 1901	0.8	F.C. G
(Lamoine Hatch)	Sec 21-3N-45E	Spring Creek	Sept. 1, 1901	0.8	D.K. B
D. Sorensen	not given	Buffalo Spring	1902	1.1	F. Bow
M.L. Kearsley (E.N. Kirsley)	Sec 17-3N-45E	Spring Creek	June 1, 1902	1.2	State (A.F)
W. Johnson, A.C. Dorr, H. Hatch (L.L. Eynon)	Sec 21-3N-45E	Spring Creek & Pine Creek	June 15, 1902	2.4	State (S.)
L. & E. Buxton (S. Buxton)	Sec 30-5N-45E	Twin Crk Slough	June 1, 1903	2.0	Bank o Ed Rig

Miscellaneous rights in Teton Basin continued next page -

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
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CIVIL CASE NUMBER: 39576

Ident. Number: A22-11960
Date Received: 9/27/1988
Receipt No: E002673
Received By: Kcw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EST. OF GEORGE H. SPENCER 208-734-6122
Address: RT. 3 BOX 6458
TWIN FALLS, ID 83301

2. Date of Priority: MAY 01, 1961

3. Source: UNNAMED STREAM Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	45E	4	NE	NW	NW	4	TETON

5. Description of diverting works:
DIVERSION DAM TO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.200		

7. Total Quantity Appropriated is:
1.200 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
04N	45E	4	NW	NW	4	IRR	20.0
Section Acres							20.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	5	NE	NE	1	IRR	37.0
			SE	NE		IRR	3.0
						Section Acres	40.0
						Total Acres	60.0

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:
WATER RIGHT BASED ON DEEDS.

15. Basis of Claim: BENEFICIAL USE

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 Organizations:

I do solemnly swear or affirm that I am Person and Representative of
Title
Estate of George Spencer, that I have signed the foregoing
Organization
document in the space below as Person and Representative of
Title
Estate of George Spencer and that the statements contained in the
Organization
foregoing document are true and correct. Carl Spencer

Signature of Authorized Agent

Person Representative
Title and Organization

9-27-87 Date

State of Idaho)
County of *Bonneville*) SS.

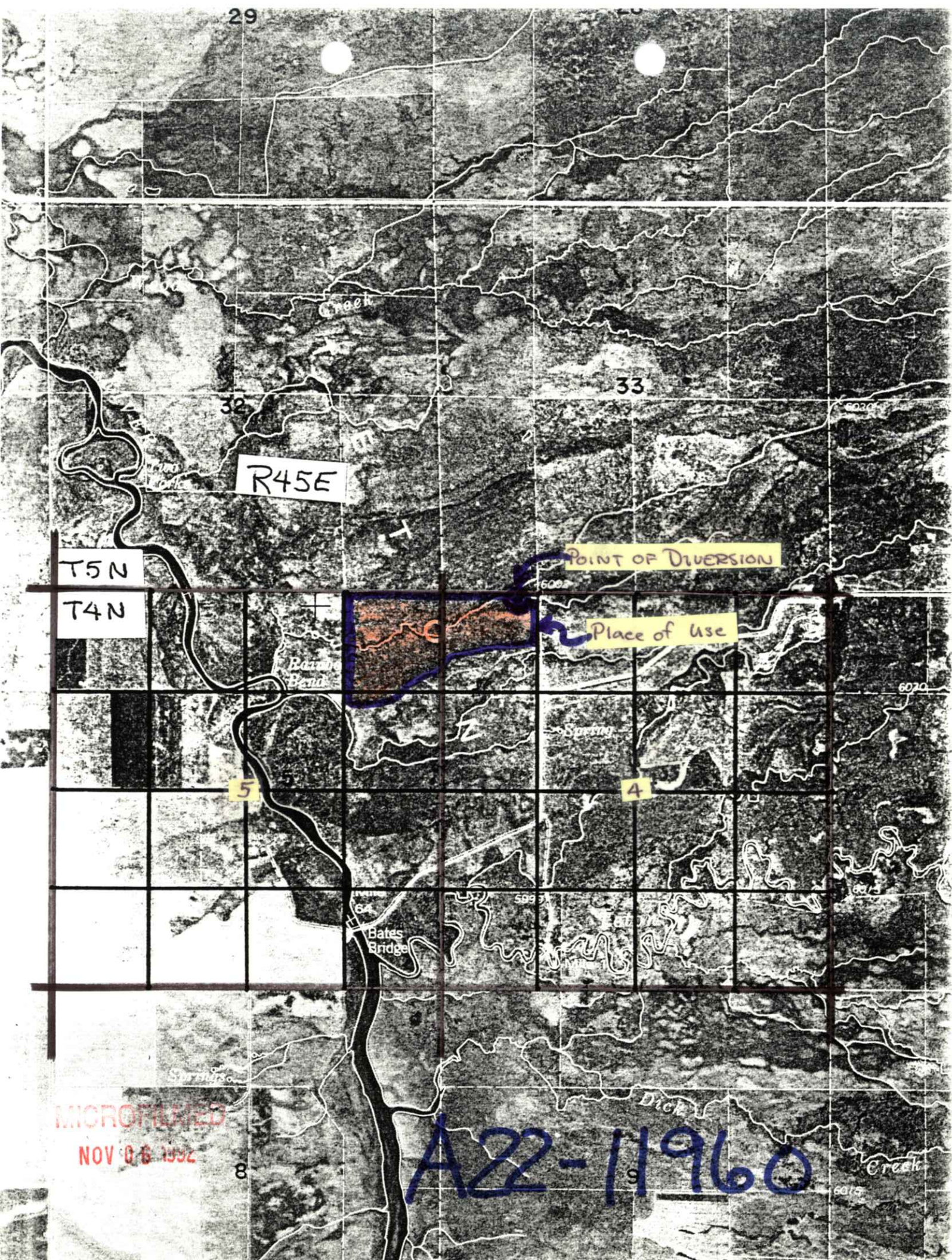
Subscribed and sworn (or affirmed) before me this 27th day
of September 19 88 Betty J. S.
Notary Public

Betty J. Thompson
Notary Public

Residing at Idaho Falls
My Commission Expires 6-94



MICROFILMED
NOV 06 1996



R45E

T5N

T4N

POINT OF DIVERSION

Place of Use

5

4

Bates Bridge

MICROFILMED
NOV 06 1992

A22-11960