

03/18/2005

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

RIGHT NUMBER: 74-15592

NAME AND ADDRESS: GEORGE SMITH
1304N 4000W
REXBURG ID 83440

TRINA SMITH
1304N 4000W
REXBURG ID 83440

SOURCE: LEMHI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 1.530 CFS
159.800 AFY

PRIORITY DATE: 05/14/1914

POINT OF DIVERSION:

T18N R24E S21 SWSW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
1.530 CFS
159.80 AFY

PLACE OF USE: IRRIGATION Within LEMHI County

T19N R24E S32	SENE	5.2	T19N R24E S32	NESE	22.8
T19N R24E S33 Lot 2 SWNW	4.0		T19N R24E S33 Lot 3 NWSW	13.6	

45.6 ACRES TOTAL

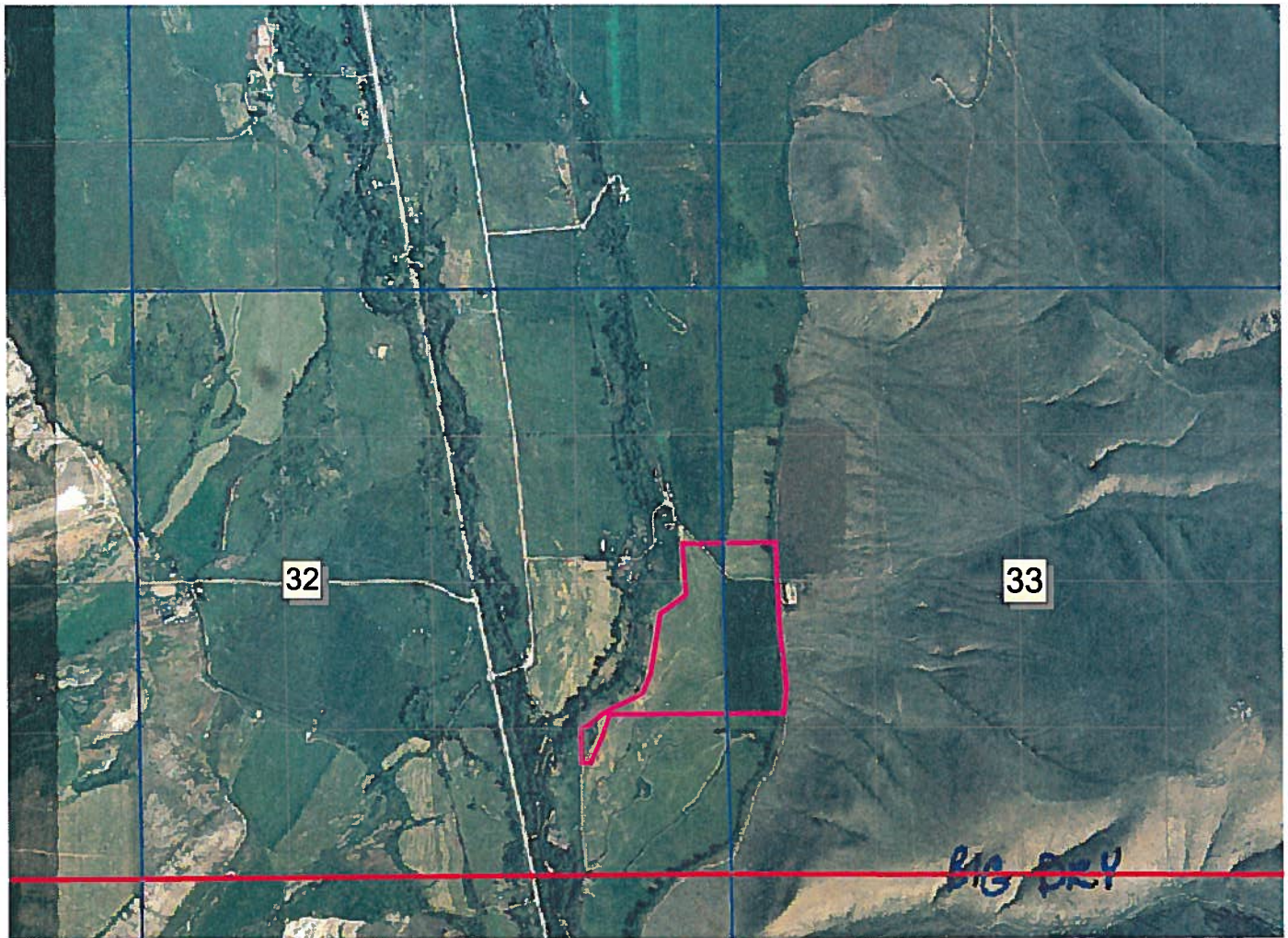
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

Idaho Dept. of water Resources

Water Right No. 74-15592



0.4 0 0.4 0.8 Miles



prepared by:

GIS/Remote Sensing
Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83702
- 208. 327.4800 -

Roxanne Brown
March 18, 2005
1988 True Color Photography

 74-15992



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
74-1608		X			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

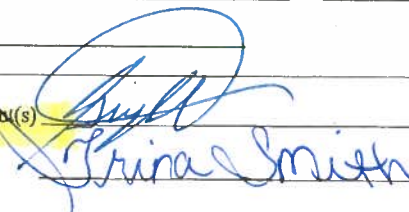
If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) R.J. SMITH AND GRACE SMITH
P.O. BOX 65, TENDON, IDAHO 83468
4. New Owner/Claimant(s) GEORGE SMITH AND TRINA SMITH
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 1304 NORTH 4000 WEST
- City, State and ZIP Code REXBURG, IDAHO 83440
- New Telephone Number 208) 356-9413
5. Date you acquired the property JANUARY 5, 2005

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>74-1608</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>.0335</u>	<u>39.26</u>
Stock		
Domestic		
Other		
Total	<u>1.317 CFS</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other		
Total		

7. Signature of New Owner(s) or Claimant(s) 
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by R. Brown AJ Date 3/18/05 WR _____ Date _____

396

PROPOSED FINDING OF WATER RIGHTS - LEMHI RIVER DRAINAGE

Source: Lemhi River, Div. L-41
Pt. of Div.: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21, T18N, R24E

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE		MAXIMUM RATE OF DIVERSION (cfs)	PLACE OF USE and LANDS IRRIGATED	BASIS OF RIGHT and REMARKS
				From	To			
74-0902	ALDER, Claude and/or Josephine Tendoy, ~~Idaho~~	5 -14-1914	Irrigation	4/1	11/1	2.0	Sec. 28 Lot 2, SE $\frac{1}{4}$ SW $\frac{1}{4}$, T19N, R24E	Beneficial Use 38.0 22.0 60.0
74-1608	BAGLEY, Darrel Box 1064 Salmon, Idaho	5 -14-1914	Irrigation	4/1	11/1	8.4	Sec. 5 NE $\frac{1}{4}$ NE $\frac{1}{4}$, T18N, R24E	Beneficial Use 16.6
							Sec. 28 Lot 3, Lot 4, Sec. 29 SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32 NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33 Lot 1, Lot 2, Lot 3, Lot 4, T19N, R24E	29.0 19.0 26.5 21.6 14.4 25.8 39.0 20.5 16.0 15.0 7.0 250.4
74-1717	STATE OF IDAHO Department of Fish & Game Box 25 Boise, Idaho	4 -1 -1961	Fish Return	4/1	11/1	0.8	Sec. 21 SW $\frac{1}{4}$ SW $\frac{1}{4}$, T18N, R24E	Beneficial Use

WARRANTY DEED

For Value Received R. J. SMITH AND GRACE SMITH, HUSBAND
AND WIFE

the grantors , do hereby grant, bargain, sell and convey unto GEORGE SMITH AND
TRINA SMITH, HUSBAND AND WIFE

the grantees , the following described premises, in Lemhi County Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said
Grantee s , their heirs and assigns forever. And the said Grantor's do hereby
covenant to and with the said Grantee s , that they are the owners in fee simple of said
premises; that they are free from all encumbrances.

and that t he y will warrant and defend the same from all lawful claims whatsoever.

Dated: JANUARY 3, 2005

R. J. Smith
R. J. SMITH

Grace A. Smith
GRACE SMITH

STATE OF IDAHO, COUNTY OF LEMHI

On this 17th Day of JANUARY , 20 05,
before me, a Notary Public in and for said State, personally
appeared R. J. SMITH AND GRACE SMITH

known to me to be the person s whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Linda K. Roob Notary Public
Residing at Salmon , Idaho
Comm. Expires: 10-6-05

INSTRUMENT NO:

STATE OF IDAHO, COUNTY OF LEMHI

I hereby certify that this instrument was filed
for record at the request of

at minutes past o'clock m.,
this day of
20 , in my office, and duly recorded in Book
of Deeds in Lemhi County.

Ex-Officio Recorder

By Deputy
Fees \$
Mail to:

EXHIBIT "A"

WADE SURVEYING

P.O. Box 1175
 Salmon, Idaho 83467

Phone (208) 756-3070

July 8, 2004

PARCEL "F"

A parcel of land located in the E 1/2, Section 32 and in Government Lots 2 and 3, Section 33, T. 19 N., R. 24 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at the SE corner of said Section 32, from which the SW corner of Section 32 bears N 89°51'19" W, 5314.80 ft., the Basis Of Bearing of this description, run thence S 89°50'27" E along the southerly boundary of said Section 33 a distance of 1320.50 ft. to the SE corner of Government Lot 4;

Thence N 00°03'30" E along the easterly boundary of Government Lots 4 and 3 a distance of 1423.59 ft. to the POINT OF BEGINNING;

Thence N 89°50'53" W a distance of 2405.13 ft.;

Thence S 17°09'49" W a distance of 215.24 ft.;

Thence S 24°50'45" W a distance of 254.41 ft.;

Thence N 88°43'49" W a distance of 83.35 ft. to a point on the westerly boundary of the SE 1/4 SE 1/4 of said Section 32;

Thence N 00°28'38" W along said westerly boundary a distance of 332.18 ft. to the SE corner of the NW 1/4 SE 1/4 of Section 32 and a point in an existing fence line;

Thence along said fence line the following courses and distances:

N 69°38'45" E, 74.19 ft.; N 52°21'45" E, 165.00 ft.;

N 57°47'07" E, 115.77 ft.; N 67°05'47" E, 158.75 ft.;

N 60°05'31" E, 134.76 ft.; N 23°51'42" E, 184.63 ft.;

N 10°17'57" E, 545.81 ft.; N 54°31'45" E, 286.88 ft.;

N 03°07'28" W, 462.23 ft.;

Thence S 89°52'19" E a distance of 1722.24 ft. to a point on the easterly boundary of Government Lot 2 of Section 33;

Thence S 00°13'14" W along said easterly boundary a distance of 335.26 ft. to the NE corner of Government Lot 3 of Section 33;

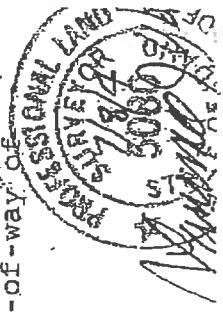
Thence S 00°03'30" W along the easterly boundary of said Lot 3 a distance of 1215.91 ft. to the POINT OF BEGINNING.

PARCEL CONTAINS 70.43 ACRES

TOGETHER WITH: A 30 ft. wide easement for ingress and egress along an existing road, 15 ft. either side of the following described centerline:

Commencing at the SE Corner of said Section 32 from which the SW Corner of said section bears N 89°51'19" W 5314.80 ft.; the Basis Of bearing of this description, run thence N 45°25'25" W a distance of 2600.13 ft. to a point on the easterly right-of-way of existing county road and the POINT OF BEGINNING;

Page 1 of 2 "F"



Thence the following courses and distance along said centerline:

S 34°36'09" E 116.68 ft.; S 01°22'02" E 92.12 ft.;
 S 16°09'32" E 38.96 ft.; S 35°39'43" E 209.83 ft.;
 S 54°35'04" E 82.11 ft.; S 86°36'59" E 93.46 ft.;
 N 63°18'23" E 98.28 ft.; N 44°03'24" E 107.68 ft.;
 N 72°10'18" E 15.88 ft.; S 49°02'15" E 48.07 ft.;

S 14°10'14" W 155.85 ft. to a point on a southerly boundary of Parcel "A" as shown on the Lot Split Plat Instrument No. 246615 filed in the Lemhi County Courthouse.

SUBJECT TO: A 30 ft. wide easement for ingress and egress along existing road, 15 ft. either side of the following described centerline:

Beginning at the end of the above described TOGETHER WITH easement, run thence S 14°10'14" W a distance of 59.71 ft.;

Thence S 00°28'38" E parallel to a westerly boundary of above described parcel a distance of 269.20 ft. to a point on a southerly boundary of the above described parcel.

ALSO TOGETHER WITH: A 30 ft. wide easement for ingress and egress along existing road, 15 ft. either side of the following described centerline:

Beginning at the end of the above described SUBJECT TO easement, run thence S 00°28'38" E a distance of 330.99 ft. to a point on the southerly boundary of Parcel "E" shown on a Lot Split Plat filed in the Lemhi County Courthouse for R.J. Smith in 2004.

SUBJECT TO: A 30 ft. wide easement for ingress and egress along the westerly side line of the above described parcel.

RESERVING THEREFROM AN EASEMENT TO RIDE THEIR HORSES ON THE ACCESS ROAD CROSSING PROPERTY TO GAIN ACCESS TO THE B.L.M. PROPERTY; FOR R. J. SMITH, GRACE SMITH AND BOBBIE SMITH.

Grace Smith

