

11/16/2006

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

RIGHT NUMBER: 22-42

NAME AND ADDRESS: THE BOYD CHARLES SMITH & JILL JOHNSON SMITH TRUST
C/O HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

SOURCE: SOUTH LEIGH CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.800 CFS

The quantity of water diverted under this water right shall be from the portion awarded to IDAHO and deducted there from as set forth in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941).

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION:

T06N R46E S32 NENWNE Lot 1 Within TETON County

The point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 6 NESENE (L2), 6PM.

The point of diversion shown above is where the conveyance system enters Idaho.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
0.800 CFS

PLACE OF USE:

IRRIGATION in TETON County

T06N R45E S36	NENE	39.00	T06N R46E S30	NESW	3.60
T06N R46E S30 Lot 3	NWSW	7.00	T06N R46E S30 Lot 4	SWSW	32.00
T06N R46E S30	SESW	37.00	T06N R46E S30	NESE	34.00
T06N R46E S30	NWSE	14.00	T06N R46E S30	SWSE	39.00
T06N R46E S30	SESE	39.00	T06N R46E S31	NENE	40.00
T06N R46E S31	NWNE	40.00	T06N R46E S31	SWNE	38.00
T06N R46E S31	SENE	22.00	T06N R46E S31	NENW	40.00
T06N R46E S31 Lot 1	NWNW	38.00	T06N R46E S31 Lot 2	SWNW	26.00
T06N R46E S31	SENE	35.00	T06N R46E S32 Lot 1	NWNE	14.00
T06N R46E S32 Lot 2	SWNE	28.00	T06N R46E S32	NENW	32.00
T06N R46E S32	NWNW	36.00	T06N R46E S32	SWNW	14.00
T06N R46E S32	SENE	15.00	T06N R46E S32 Lot 3	NWSE	25.00
T06N R46E S32 Lot 4	SWSE	1.30			

688.9 ACRES TOTAL

11/16/2006

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

This right is limited to the irrigation of 40 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 688.9 acres in a single irrigation season. Combined Right Nos.: 22-42, 22-160, 22-545, 22-616, 22-13160.

The rights listed below are limited to the irrigation of a combined total of 736.3 acres in a single irrigation season. Combined Right Nos.: 22-312, 22-487C, 22-13016, 22-42, 22-160, 22-545, 22-616, 22-13160.

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.

This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through Killpack Pipeline.

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

06/21/2005

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

RIGHT NUMBER: 22-42

NAME AND ADDRESS: BOYD C & JILL J SMITH TRUST
C/O HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

SOURCE: SOUTH LEIGH CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.800 CFS

The quantity of water diverted under this water right shall be from the portion awarded to IDAHO and deducted there from as set forth in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941).

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION:

T06N R46E S32 NENWNE Lot 1 Within TETON County

The point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 6 NESENE (L2), 6PM.

The point of diversion shown above is where the conveyance system enters Idaho.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
0.800 CFS

PLACE OF USE:

IRRIGATION Within TETON County

T06N R45E S36	NENE	39.0	T06N R46E S30	NESW	3.6
T06N R46E S30 Lot 3 NWSW		7.0	T06N R46E S30 Lot 4 SWSW		32.0
T06N R46E S30	SESW	37.0	T06N R46E S30	NESE	34.0
T06N R46E S30	NWSE	14.0	T06N R46E S30	SWSE	39.0
T06N R46E S30	SESE	39.0	T06N R46E S31	NENE	40.0
T06N R46E S31	NWNE	40.0	T06N R46E S31	SWNE	38.0
T06N R46E S31	SENE	22.0	T06N R46E S31	NENW	40.0
T06N R46E S31 Lot 1 NWNW		38.0	T06N R46E S31 Lot 2 SWNW		26.0
T06N R46E S31	SENW	35.0	T06N R46E S32 Lot 1 NWNE		14.0
T06N R46E S32 Lot 2 SWNE		28.0	T06N R46E S32	NENW	32.0
T06N R46E S32	NWNW	36.0	T06N R46E S32	SWNW	14.0
T06N R46E S32	SENW	15.0	T06N R46E S32 Lot 3 NWSE		25.0
T06N R46E S32 Lot 4 SWSE		1.3			

688.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 688.9 acres in a single irrigation season. Combined Right Nos.: 22-42, 22-160, 22-545, 22-616, 22-13160, 22-13405.

06/21/2005

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

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.

This water right is also recorded as Wyoming Certificated Water Right No. _____.

This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.

EXPLANATORY MATERIAL: Decreed

The following rights are also diverted through point of diversion described above: 22-42, 22-160, 22-545, 22-616, 22-13160, 22-13405.

Water is delivered through Killpack Pipeline.

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

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-42

NAME AND ADDRESS: THE BOYD CHARLES SMITH & JILL JOHNSON SMITH TRUST
C/O HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

SOURCE: SOUTH LEIGH CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.800 CFS

The quantity of water diverted under this water right shall be from the portion awarded to IDAHO and deducted there from as set forth in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941).

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

The rights listed below are limited to a total combined diversion rate of 32.31 cfs. Combined Right Nos.: 22-312, 22-487C, 22-13016, 22-42, 22-160, 22-545, 22-616, 22-13160, 22-13144, 22-13148, 22-130B, 22-481A, 22-482A, 22-483A, 22-2029D, 22-130D, 22-136C, 22-515B, 22-516B, and 22-517B.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

PRIORITY DATE: 01/22/1916

POINT OF

DIVERSION:

T06N R46E S32 NENWNE Lot 1 Within TETON County

The point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 6 NESENE (L2), 6PM.

The point of diversion shown above is where the conveyance system enters Idaho.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.800 CFS

PLACE OF USE:

IRRIGATION in TETON County

T06N R45E S25	NESE	14.00	T06N R45E S25	NWSE	27.00
T06N R45E S25	SWSE	39.00	T06N R45E S25	SESE	37.00
T06N R45E S36	NENE	39.00	T06N R45E S36	SWNE	21.00
T06N R45E S36	SENE	25.00	T06N R45E S36	SWNW	7.60
T06N R45E S36	SENW	21.00	T06N R45E S36	NESW	40.00
T06N R45E S36	NWSE	39.00	T06N R46E S30	NESW	22.00
T06N R46E S30 Lot 3	NWSW	24.00	T06N R46E S30 Lot 4	SWSW	32.00
T06N R46E S30	SESW	37.00	T06N R46E S30	NESE	34.00
T06N R46E S30	NWSE	26.00	T06N R46E S30	SWSE	39.00
T06N R46E S30	SESE	39.00	T06N R46E S31	NENE	40.00
T06N R46E S31	NWNE	40.00	T06N R46E S31	SWNE	38.00

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

T06N R46E S31	SENE	22.00	T06N R46E S31	NENW	40.00
T06N R46E S31 Lot 1	NWNW	38.00	T06N R46E S31 Lot 2	SWNW	26.00
T06N R46E S31	SENW	35.00	T06N R46E S32 Lot 1	NWNE	14.00
T06N R46E S32 Lot 2	SWNE	28.00	T06N R46E S32	NENW	32.00
T06N R46E S32	NWNW	36.00	T06N R46E S32	SWNW	14.00
T06N R46E S32	SENW	15.00	T06N R46E S32 Lot 3	NWSE	25.00
T06N R46E S32 Lot 4	SWSE	1.30			

1006.9 ACRES TOTAL

This right is limited to the irrigation of 40 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 688.9 acres in a single irrigation season. Combined Right Nos.: 22-42, 22-160, 22-545, 22-616, 22-13160.

The rights listed below are limited to the irrigation of a combined total of 736.3 acres in a single irrigation season. Combined Right Nos.: 22-312, 22-487C, 22-13016, 22-42, 22-160, 22-545, 22-616, 22-13160.

The rights listed below are limited to the irrigation of a combined total of 1006.9 acres in a single irrigation season. Combined Right Nos.: 22-312, 22-487C, 22-13016, 22-42, 22-160, 22-545, 22-616, 22-13160, 22-13144, 22-13148, 22-130B, 22-481A, 22-482A, 22-483A, 22-2029D, 22-130D, 22-136C, 22-515B, 22-516B, and 22-517B.

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

This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.

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.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Failure of the right holder to comply with the conditions of transfer 74019 is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by transfer 74019 by November 23, 2008.

Water is delivered through Killpack Pipeline.

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

November 27, 2007

THE BOYD CHARLES SMITH & JILL JOHNSON SMITH TRUST
C/O HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

RE: Transfer #74019 for water right(s) 22-42, 22-160, 22-545, 22-616,
22-13144, 22-13148, 22-13160 and Notice of Completed
Administrative Proceeding (NCAP)

Dear Mr. & Mrs. Smith:

On November 23, 2007, the Idaho Department of Water Resources (IDWR) approved Transfer #74019, modifying the above referenced water right. Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree

Technical Records Specialist

SCANNED
JAN 17 2008

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Water Rights: 22-42, 22-160, 22-
545, 22-616, 22-13144, 22-13148, 22-
13160

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer **74019**

☐ point of diversion ☒ place of use

☐ period of use ☐ nature of use

☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: Nov 29 2007

Eunit Carlson

Signature of IDWR Representative

SCANNED

JAN 17 2008

CERTIFICATE OF MAILING

I certify that on Nov 30, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
THE BOYD CHARLES SMITH & JILL JOHNSON SMITH TRUST
C/O HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A

4. One copy to:

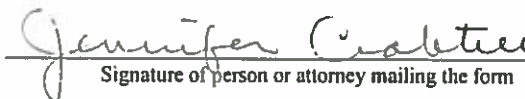
Each party in the subcase, or attorney of record
N/A

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

SCANNED

JAN 17 2008

Crabtree, Jennifer

From: Carlsen, Ernie
Sent: Monday, November 26, 2007 8:30 AM
To: Larsen, Joseph
Cc: Carlson, Dave; Crabtree, Jennifer
Subject: RE: Approved Transfer 74019 (Smith Trust)

Joe, The changes allowed by this transfer need to be data entered on the adjudication data base and then reported to the court with an NCAP. I left a copy of the new claim record on your desk. Bring this report to me office and I'll explain the task of completing the data entry.

Ernie

-----Original Message-----

From: Van Dyke, Nick
Sent: Friday, November 23, 2007 9:03 AM
To: Carlson, Dave
Cc: Carlsen, Ernie; Cox, Sharla; Fritschle, Carter
Subject: Approved Transfer 74019 (Smith Trust)

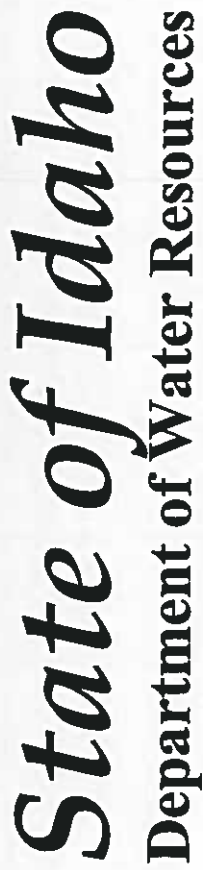
Rights associated with approved Transfer 74019

WR Number	Current#	Type
22-42	22-42	Recommendation
22-160	22-160	Recommendation
22-545	22-545	Recommendation
22-616	22-616	Recommendation
22-13144	22-13144	Recommendation
22-13148	22-13148	Recommendation
22-13160	22-13160	Recommendation

This message is notification that this transfer has been approved and is available for distribution as appropriate.

SCANNED
JAN 17 2008

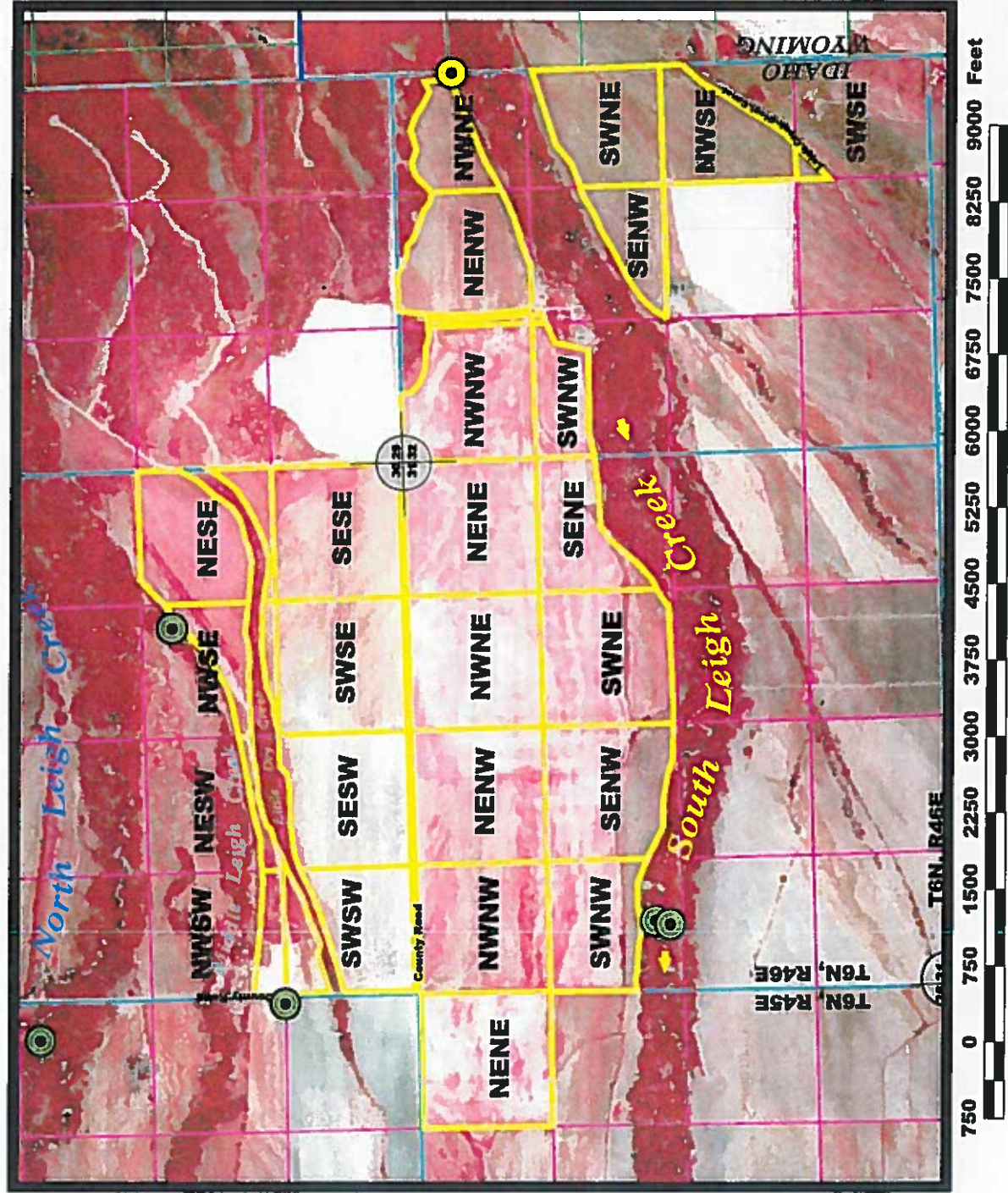
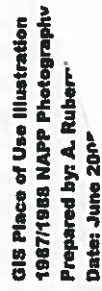
11/27/2007



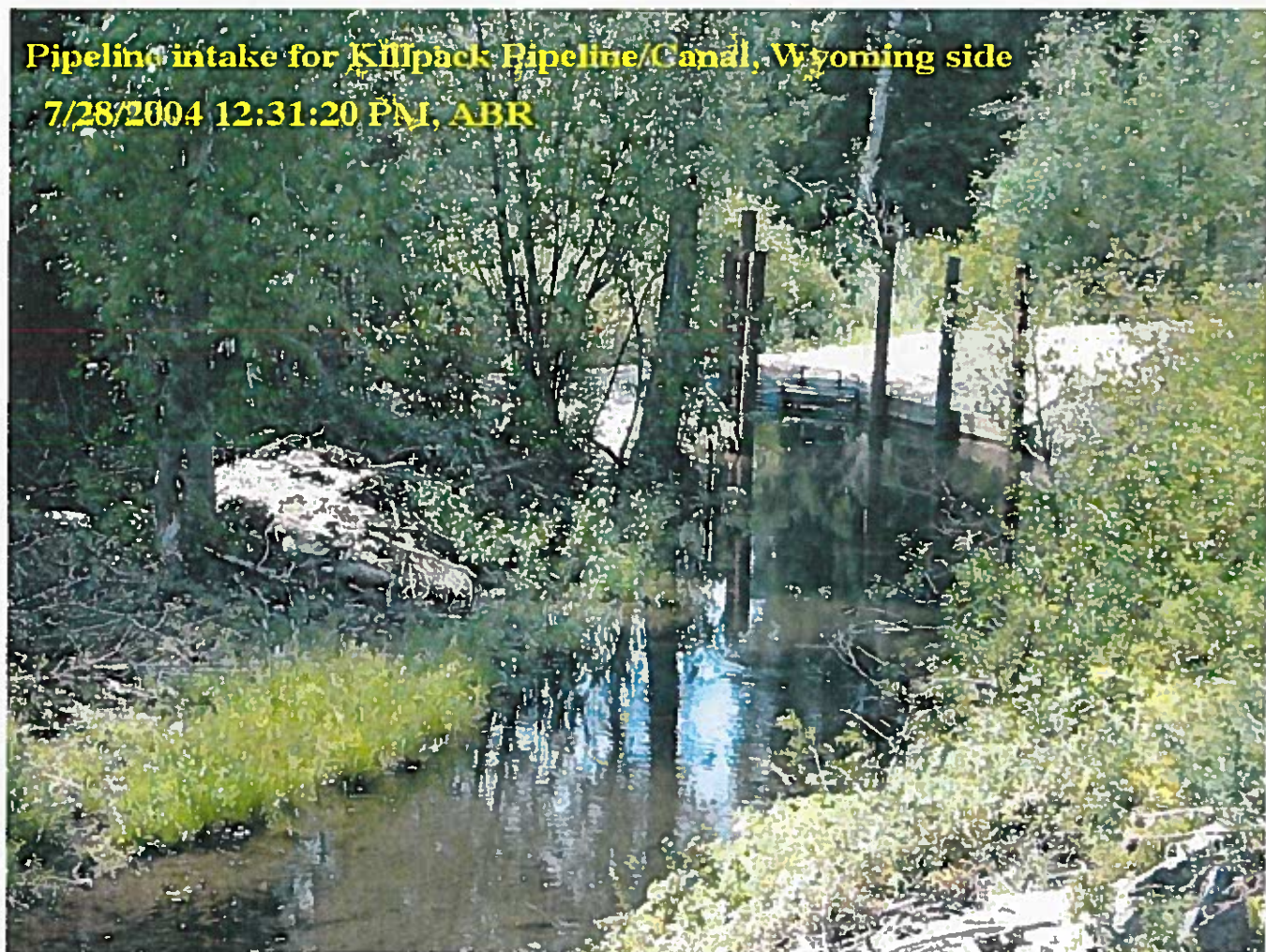
Point(s) of Diversion:
T6N, R46E
Sec. 32 NENWNE (L1)

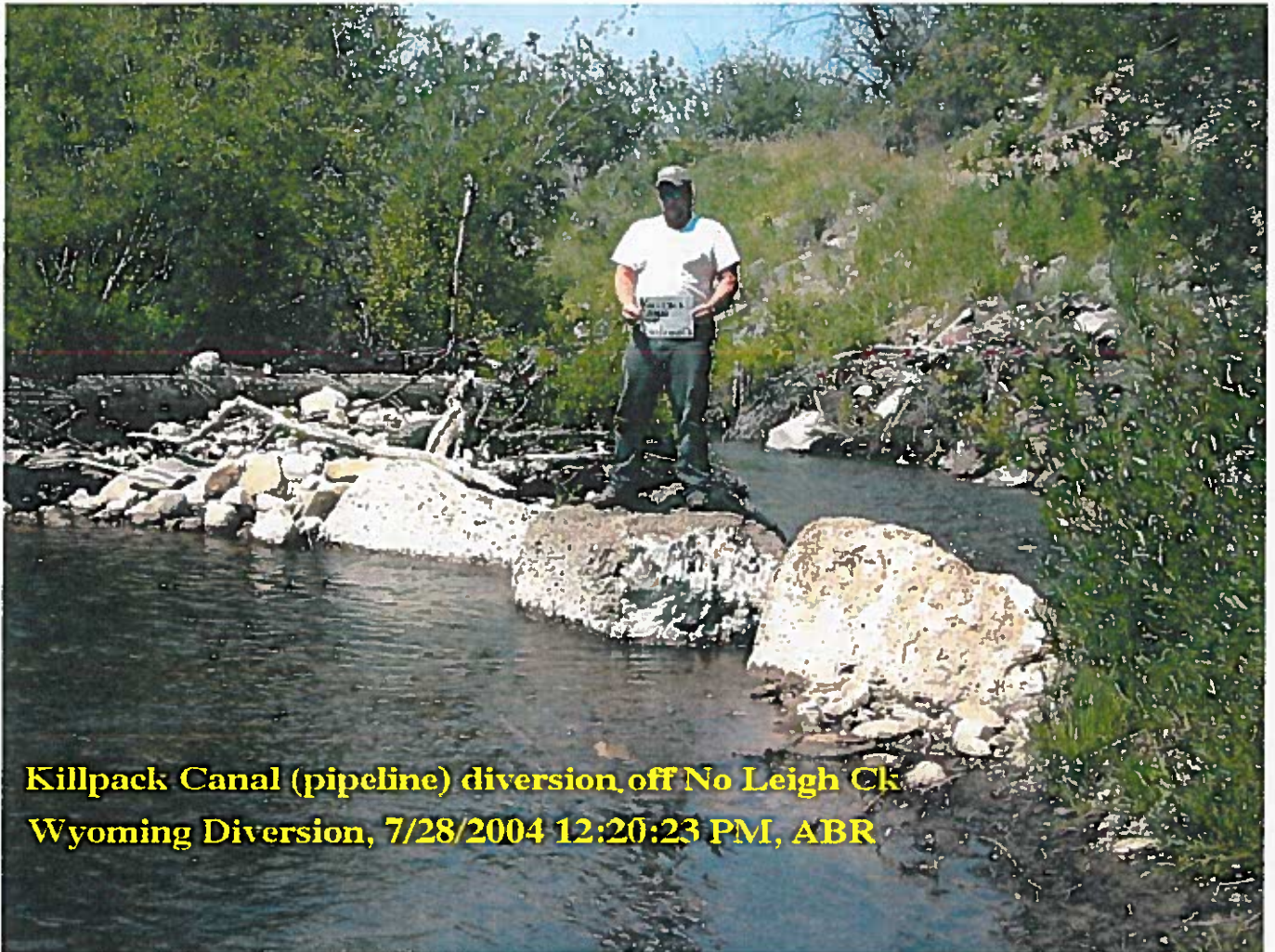
Place of Use: (parts of)
T6N, R45E
Sec. 36 NENE,
T6N, R46E
Sec. 30 S2, Sec. 31 N2,
Sec. 32 NW, W2E2

LEGEND



Pipeline intake for Killpack Pipeline/Canal, Wyoming side
7/28/2004 12:31:20 PM, ABR





**Killpack Canal (pipeline) diversion off No Leigh Ck
Wyoming Diversion, 7/28/2004 12:20:23 PM, ABR**

Contacts Data Entry Form

Water Right No. 22-42

Owner Type	Full Name	Address	City	State	Zip	Phone
------------	-----------	---------	------	-------	-----	-------

Current Owner Boyd Smith

Name connector: and _____, or _____, and/or _____

Current Owner Ch to Smith 9/1996

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

DECREED UNDER GILLETTE VS CARROLL, 7 DEC 1938.
TO Wm HANSON, 22 JANUARY 1916, P.80 ch South LOUGH
CREEK.

FOR ANNA D. LANGRISH

FILE INDICATED: PDD/PDU, Photos/GPS, System/Conveyance

Reviewer: _____

Date: SCANNEDJUN 07 2005**PROFILED**

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 1/22/1916 Claimed Basis: DECRETRecommended Priority Date: 1/22/1916 Recommended Basis: DECRET☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

MATCHES DECRET

Reviewer: _____

Date: _____

PROFILED

SCANNED
JUN 07 2005

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T 6N, R 46E, Sec. 32, SE, NW, NE LOT 1, County: TETONSource: South Long Creek Tributary: TETON RIVER C#3

Recommended Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	OOO of OO of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

POD DEEBED AS "... ONE-FORTH MILE EAST OF THE
IDAHO-WYOMING BOUNDARY LINE ..."POD CLAIMED AS TWO PUMPS: 60 AND 75 HP MAINLINE
AND SPRINKLER - 5000S OVERKILL ON DIVERSION
CAPACITY.Q: Other Rights?

Transfers Changing POD _____

Reviewer: _____

Date: SCANNED

JUN 07 2005

PROFILED

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
6N	45E	36	NENE		TETON		40	PANG

Total Acres 40

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

CLAIMED AS DERRISD. AC NOT SPECIFIED BY DERRISD => OK

Transfers Changing POU _____

Reviewer: _____

Date: _____ **SCANNED****JUN 07 2005****PROFILED**

Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Claims 4/15 to 10/15 - Dept STD is 4/15 to 10/31 - Amuro?

Reviewer: _____

Date: _____

PROFILE

SCANNED
JUN 07 2005

Water Right No(s). _____

GPS DATA:

Tag # _____ Location: _____

Diversion Data:

Source: _____ Trib to: _____

MOTOR

Make: _____ Model: _____ Hp: _____

SN: _____

PUMP

Make: _____ Model: _____ Disch: _____

SN: _____

NOTES:

Field Exam Date: _____ Agent: _____

Claim no. _____

Claimant Contact Log

Date _____

Remarks

Agent initials

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



THE STATE OF WYOMING

DAVE FREUDENTHAL
GOVERNOR

PATRICK T. TYRRELL
STATE ENGINEER

HARRY C. LABONDE, JR.
DEPUTY STATE ENGINEER

Board of Control

4E, HERSCHLER BUILDING
CHEYENNE, WYOMING 82002

TELEPHONE NO. (307) 777-6178
FAX NO. (307) 777-5451

February 13, 2004

ALLAN CUNNINGHAM
ADJUDICATION OFFICER

RANDY TULLIS, SUPERINTENDENT
WATER DIVISION NO. 1
MICHAEL WHITAKER, SUPERINTENDENT
WATER DIVISION NO. 2
LOREN SMITH, SUPERINTENDENT
WATER DIVISION NO. 3
JADE HENDERSON, SUPERINTENDENT
WATER DIVISION NO. 4

Mr. Arnold W. Woolstenhulme, P.E. and L.S.
AW Engineering
P.O. Box 139
Victor, Idaho 83455

RE: Docket Nos. IV-2002-4-1
and IV-2003-3-2 through
IV-2003-3-6

Dear. Mr. Woolstenhulme,

This letter is in regard to the Boyd Charles and Jill Johnson Smith Trust, the William E. Hansen, the Pek L. Hansen, the Margaret Hansen, the Lorenzo and Ardis Koford, and the James and Leona Beard Trust petitions for affirmation of point of diversion and means of conveyance in the matter of certain rights to the use of waters of South Leigh Creek for which the point of diversion, and a portion of the means of conveyance of the Kilpack Ditch, which are pending before the State Board of Control.

The State Board of Control discussed these petitions at its February meeting, and voted to grant these petitions. Orders confirming the Board's action will be issued in the near future.

If we can be of any further assistance, please let us know.

Sours truly,

AC

ALLAN CUNNINGHAM
Adjudication Officer

RECEIVED

SEP 23 2004

Department of Water Resources
Eastern Region

/adc

JUN 7 2005

SCANNED

PROFILED



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.

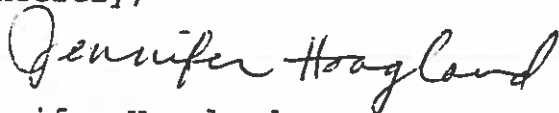
The claims in the third column are all domestic and stock claims, currently before the Snake River Basin Adjudication Court in Twin

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

RECEIVE

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 Resour

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 cipt@aol.com

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

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.

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JUN 07 2005

Thank you for your assistance in this very confusing situation.

Very Truly Yours,

Teresa L. Sturm
for Teresa L. Sturm

TLS/dw
Enclosures

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JUN 07 2005

SCANNED

JUN 07 2005

IDAHO WYOMING



South Leigh Creek



T6N, R45E

T5N, R45E

T5N, R45E
T5N, R46E

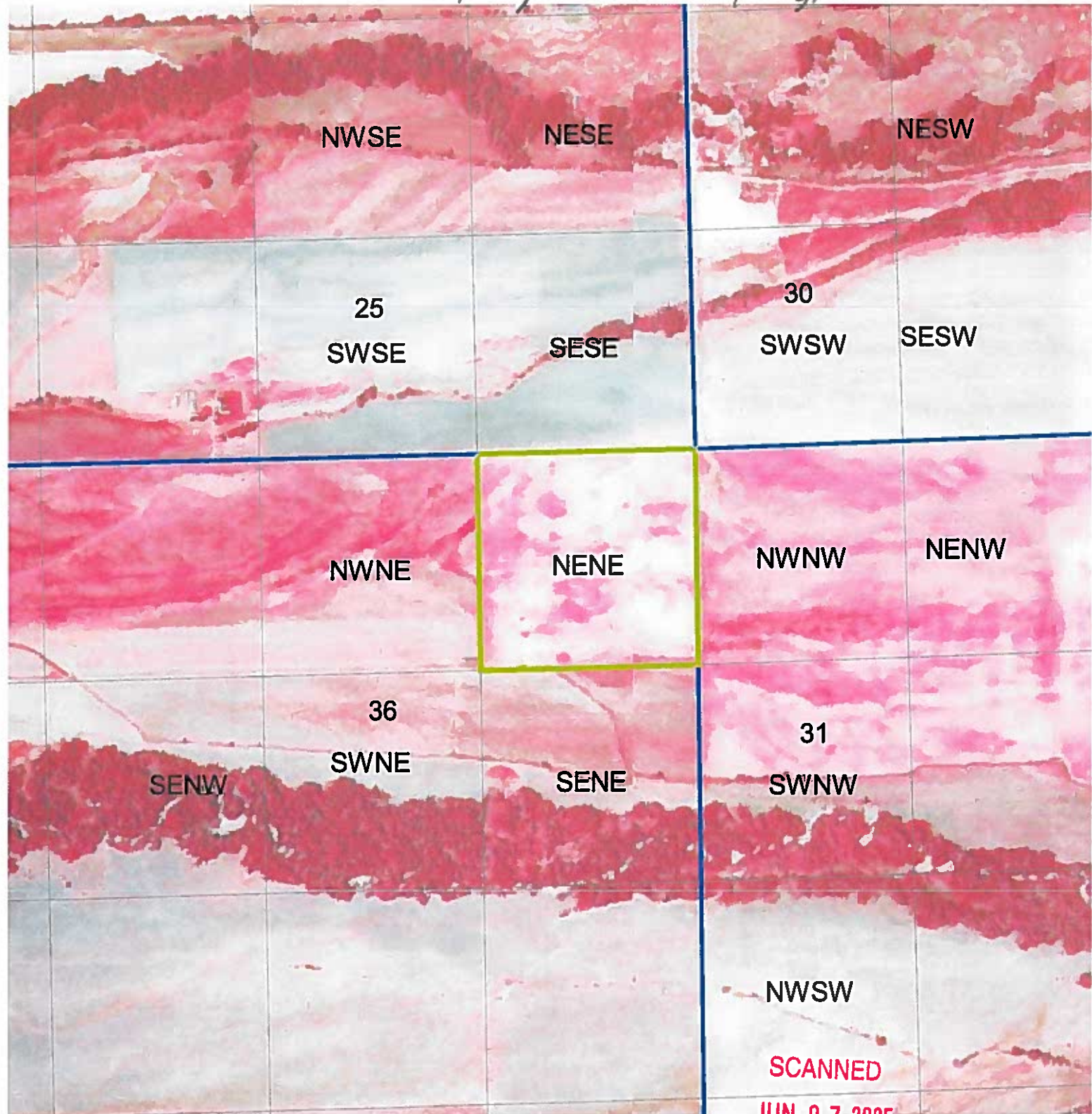
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22-42

T6N, R45E

T6N, R46E



SCANNED
JUN 07 2005

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JUN 15 1999

DC
6-22-99

Department of Water Resources RECEIVED

NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP SEP 16 1996Department of Water Resources
Eastern RegionDATE OF CLOSING: September 6, 1996LEGAL 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

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[x] New Mailing Address:
SCANNED
JUN 07 2005

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)

Boyd Charles Smith 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,
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)

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

SCANNED
JUN 07 2003

PROFILED

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

G:\WPDATA\CAHS494\TWIN0819 NPO.jht

SCANNED

JUN 07 2005

PROFILE

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: S½

Section 31: N½

Section 32: NW¼

Lot 1 (NW¼NE¼)

Lot 2 (SW¼NE¼)

Lot 3 (NW¼SE¼)

Township 6 North, Range 45 East, Boise Meridian

Section 36: NE¼NE¼

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

PROFILED

SCANNED

JUN 07 2005

FILED

AT THE REQUEST OF

First American
AT 12 MINUTES PAST 1 P.M.
DATE September 5, 1996
BY *[Signature]*
CLERK OF RECORD
DEPUTY

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

Section 25: S $\frac{1}{2}$ SE $\frac{1}{4}$

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 $\frac{1}{4}$ 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.

2 - WARRANTY DEED

SCANNED
JUN 07 2005

PROFILED

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

3 - WARRANTY DEED

SCANNED
JUN 07 2005

124973

PROFILED

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.

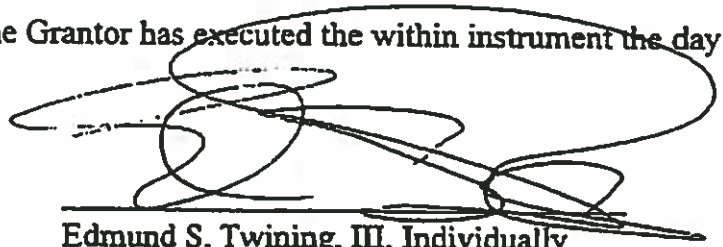
12. Existing irrigation canal, notice of which is given by that certain Contract of Sale recorded March 6, 1972, Recorder's No. 70654, records of Teton County, Idaho. "Subject however to an easement for the existing irrigation canal and maintenance thereof.
13. Covenants, Conditions and Restrictions 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.



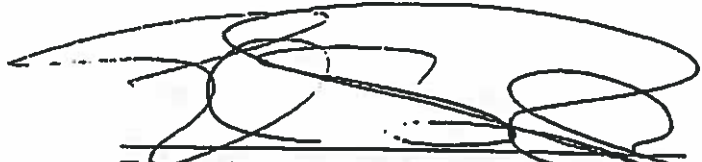
Edmund S. Twining, III, Individually

4 - WARRANTY DEED

SCANNED

JUN 07 2005

PROFILED

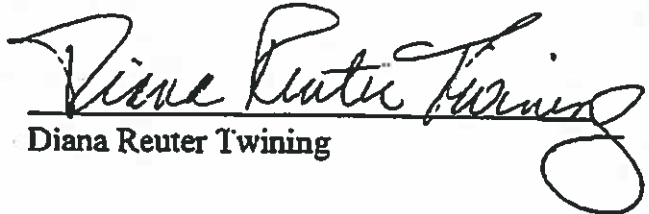


Edmund S. Twining, III, not individually
but as Trustee of the Trust under the Will
of Susan Clark Twining for Edmund S.
Twining, III, also known as the Residuary
Trust U/W of Susan C. Twining



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

5 - WARRANTY DEED

SCANNED

JUN 07 2005

PROFILED

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.

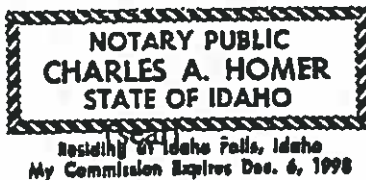


Charles A. Homer
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 12/6/98

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

6 - WARRANTY DEED

SCANNED
JUN 07 2005

PROFILED

STATE OF New York)
County of Otsego)ss.

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)
County of Bannock)ss.

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
(seal) 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

SCAN 124973
JUN 07 2005

PROFILED

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

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JUN 07 2005

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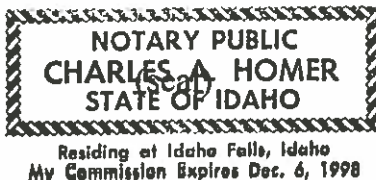
Jane Forbes Clark

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.



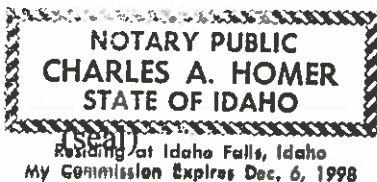
Charles A. Homer
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 12/6/98

PROFILED

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 Millard, N.Y.
My Commission Expires: 10-11-96

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PROFILED

SCANNED
JUN 07 2005

E003224

John McKellar
P.O. Box 97
Driggs 83422

354-2515 (W)
2348 (W)

-1-

EDMUND S. AND SUSAN TWINING III
Teton Ranch

P.O. Box 101
Tetonia, ID. 83452

456-2310

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

NE½NE¼ - 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

SW½SW¼, S½NW½SW¼, Sec. 29, Twn. 6 N., Rge 46 E.B.M.

Water Rights Described in Warranty Deeds

Teton Ranch

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

Source: South Leigh Creek

Amount: 3.2 cfs

Priority Date: 1891

Use: Irrigation

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

Diversion: See "Diversion" below

lots 1, 2, 3, + 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

lots 1, 2, 3 + NW¼ Sec 32

Diversion: Irrigation Pumps at Ida/Wyo State line
NW½NE¼, Sec. 32, Twn. 6 N., Rge. 46 EBM

OR

SE½NE¼, Sec. 6, Twn. 44 N., Rge 118 W6thPM

Kilpack Canal Diversion cement headrig

SE½NE¼, Sec. 6, Twn. 44 N, Rge 118W-6PM

Hog Canal Diversion cement headrig

NW½NW¼, Sec. 6, Twn. 44 N, Rge 118-6PM

80 acre feet - Fremont-Madison

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NOV 06 1990

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Welfare Farm

- P.D. pumps -

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

Stillers Run

22-0063 (DECREE)

Source: ^{North} South Leigh Creek

Amount: 6.4 cfs

Priority Date: January 22, 1916

Use: Irrigation

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

NE~~X~~SW~~X~~ NW~~X~~SW~~X~~

SW~~X~~SW~~X~~ SE~~X~~SW~~X~~

NE~~X~~SE~~X~~ NW~~X~~SE~~X~~

SW~~X~~SE~~X~~ SE~~X~~SE~~X~~

1 NW SE NW

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~~X~~SW~~X~~ NW~~X~~SW~~X~~

SW~~X~~SW~~X~~ SE~~X~~SW~~X~~

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

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

Diversion: SW~~X~~NE~~X~~, Sec. 29, Twn. 6 N., Rge 46 EBM (originally reported as Rge 45)

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

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NOV 06 1999

MICROFILME

22-0488 (DECREE)

Source: North Leigh Creek

Amount: .7 cfs

Priority Date: June 1, 1899

Use: Irrigation

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

Went
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

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

Diversion: Hansen Ditch

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

22-4040 (CLAIM)

Source: Indian Creek

Amount: 4.1 cfs

Priority Date: June 29, 1900

Use: Irrigation 4.0 cfs

Stock Water .1 cfs

Place of Use: S¼, Section 30, Twn 6 N., Rge 46
NW EBM

Diversion: NE¼SW¼, Section 29, Twn. 6 N., Rge 46
EBM

Published: Teton Valley News

July 31, 1980 & August 1, 1980

~~22-7258 (PERMIT)~~ *No filing.*

Source: Well

Amount: 6.4 cfs

Date: August 31, 1977

Use: Irrigation and Stock Water

Place of Use: S¼ Section 30, Twn. 6 N., Rge 46
EBM

Diversion: SE¼SE¼ Section 30, Twn. 6 N., Rge. 46
EBM

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

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Galloway Hills

Water right unknown

Domestic Wells

A22-12134 Teton Ranch

Location: SE³²NW³², Sec. 8, Twn. 6 N., Rge 46 EBM

Size: 6"

Depth: Unknown

History: Estimated 50 years *March 7, 1928*

Use: Domestic: 2 homes, stock water:

600 HP range cattle.

*change
III
and for or*

A22-12135

Stillers Run

(1) Location: ^{SW}NW^{SW}, Sec. 30, Twn 6 N, Rge 46 EBM

Size: 6"

Depth: Unknown

History: Estimated 50 years *March 15, 1938*

Use: Domestic - 1 house, stock water

A22-12136

(2) New South Well

Location: ^{SW}NW^{SW}, Sec. 30, Twn 6 N, Rge 46 EBM

Size: 6"

Depth: 120 feet

Date Drilled: April 30, 1987

Use: Domestic and Stock Water

600

A22-12137

(3) New North Well

Location: ^{NW}NW^{SW}, Sec 30, Twn 6 N, Rge 46 EBM

Size: 6"

Depth: 120 feet

Date Drilled: April 30, 1987

Use: Domestic and Stock Water

600

Stock Water

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

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NOV 06 1999

PROFIL

SCANNED

JUN 07 2005

tiff, or her predecessor in interest, on or before and ever since the 22nd day of January, 1916, has so diverted 1.6 cubic feet or 80 miners inches of the waters of said creek, and has applied the same to beneficial use in the irrigation of the above described lands during each irrigating season, which has been in addition to any other rights fixed, decreed, or granted to the said plaintiff, or her predecessor in interest.

XXXVI.

That the plaintiff, William Hanson, is the owner of or has an estate in the following described lands, to-wit:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 36, in township 6 north, range 45 E.B.M.,

and is the owner of a ditch through which he conveys water from South Leigh Creek, with the point of diversion located one-fourth

mile east of the Idaho-Wyoming boundary line on the north side of South Leigh Creek, and the plaintiff, or his predecessor in interest, on or before and ever since the 22nd day of January, 1916, has so diverted .80 cubic feet per second or 40 miners inches of the waters of said creek, and has applied the same to beneficial use in the irrigation of the above described lands during each irrigating season, which has been in addition to any other rights fixed, decreed, or granted to the plaintiff or his predecessors in interest.

XXXVII.

That the plaintiff, Eli Lewis, is the owner of or has an estate in the following described lands, to-wit:

S $\frac{1}{2}$ SW $\frac{1}{4}$ of section 10; NE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 15, in township 4 north, range 45 E.B.M.,

and is the owner of a ditch through which he conveys water from Ruby Creek, with the point of diversion and diversion works located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 15 in township 4 north, range 45

PROFILED

JUL 7 1935
SCOTT
TAMMOS

EXCERPT FROM:
F.C. GILLETTE vs L. CHANDALL
4 Dec. 1938

DATE: 06/24/99
PAGE: 1

1

USE PERIOD	DIVERSION	DIVERSION
FROM TO	RATE	VOLUME

04-15 10-15 0.80 CFS

TOTAL DIVERSION:	0.80 CFS	80.00 AFA
CONSUMPTIVE USE:		

Stage: DECREED

TETON County

III

	NE				NW				SW				SE				
	NENE	NNNE	SHNE	SENE	NENW	NNNW	SWNW	SENW	NESW	NNSW	SSSW	SESW	NESE	NWSE	SWSE	SESE	
T	lt	Ac	lt	Ac	lt	Ac	lt	Ac	lt	Ac	lt	Ac	lt	Ac	lt	Ac	
R	lt	Ac	lt	Ac	lt	Ac	lt	Ac	lt	Ac	lt	Ac	lt	Ac	lt	Ac	
S	lt	Ac	lt	Ac	lt	Ac	lt	Ac	lt	Ac	lt	Ac	lt	Ac	lt	Ac	
06N	45E	36	:	40	:	:	:	:	:	:	:	:	:	:	:	:	
																TOTAL ACRES	
																40.0	
																40.0	

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

CHANGED OWNERSHIP PER REQUEST/JH/6-24-99

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
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Misc: Water District Number: 01 Field Inspection Flag: C
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: ^{00042?} 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:

A22-00042

Page 1

Date: 09/28/88

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NOV 04 1992

A2200042



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

SCANNED

JUN 07 2005

MICROFILMED

NOV 04 1992

PROFILED

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)
County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this 27 day
of September 19 88

[Signature]
Notary Public

Seal

Residing at Dugway, 2nd
My Commission Expires 1/1

PROFIT

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JUN 07 2005

MICROFILMED
NOV 04 1992

40

1928

20

50

30

40

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63

20.

46

54

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47

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24

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U. Y.

22

20

19

~~W~~

28

R 46E

R. 118 W

IDAHO
WYOMING

7.44N

Paras

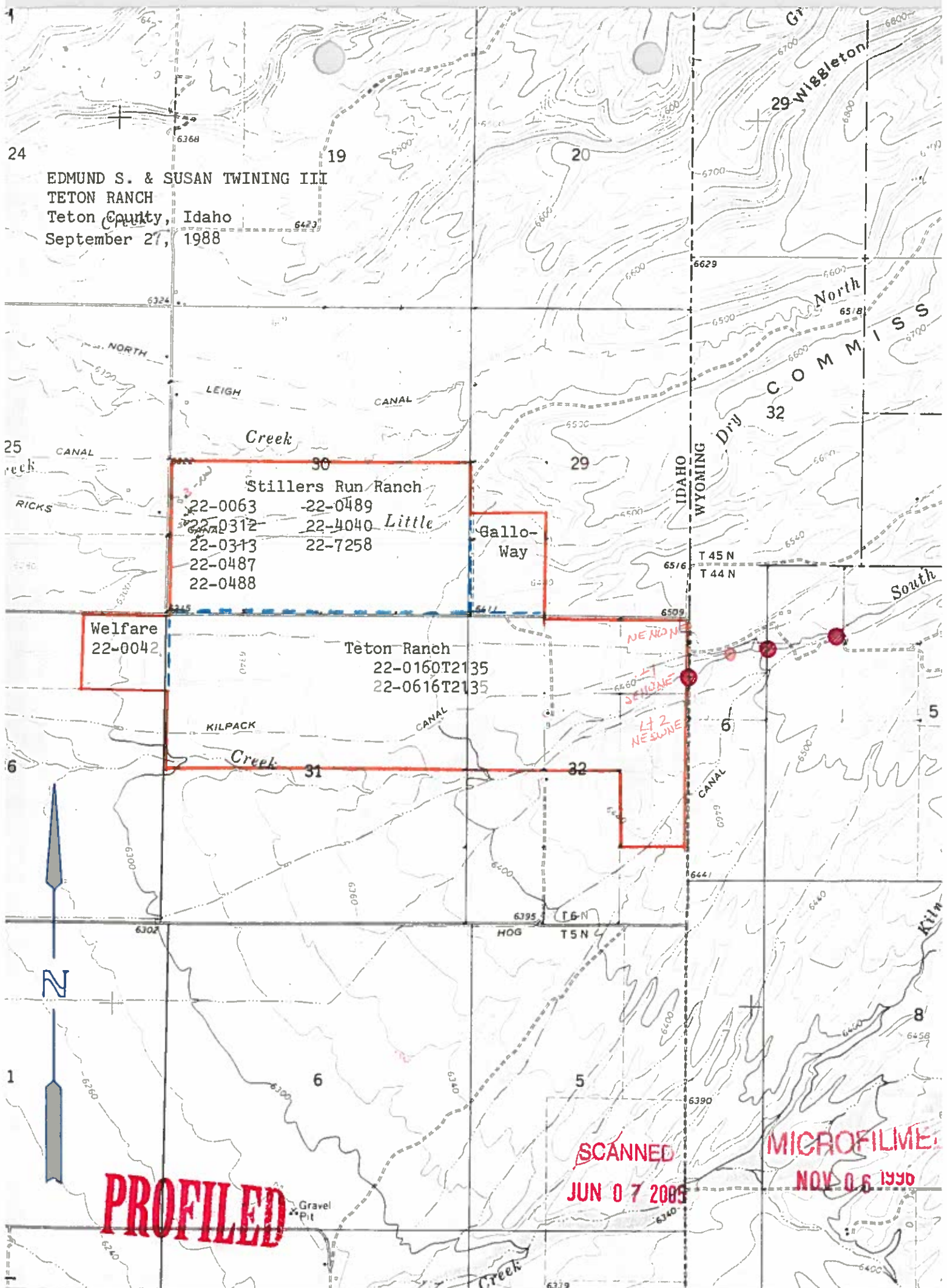
PROFILAGE

NOV 04 1992

SCANNED

07 2005

PROPRIETARY



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

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

Welfare
22-0042

Teton Ranch
22-0160T2135
22-0616T2135

Gallo-
Way

NE 1/4
SE 1/4
LT 2
NE 1/4

PROFILED

SCANNED
JUN 07 2005

MICROFILMED
NOV 06 1990

A22-00042

40

19 20 30 30

38 40 40

A22-00160
A22-00616

A22-00616

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1

28

R 46 E
R 118 W

R 118 W

764

T. 44N

WYOMING

WORMING

Pumps

Can / heading

RECEIVED

PROFILME

NOV 1966

TWP 6N
R15 46E

Weaver Ditch
Heading

North Leth Creek

43	20	30	
19		34	39
A22-00063		A22-00487C	
44		A22-00488	
36	38	40	40

FILED

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JUN 07 2005

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NOV 06 2005