

08/09/2006

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

RIGHT NUMBER: 22-86B

NAME AND ADDRESS: BOYD C SMITH AND JILL JOHNSON SMITH TRUST
3201 ASH ST
PALO ALTO CA 94306-2240

SOURCE: TETON RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 0.800 CFS
140.00 AFY

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION: T04N R45E S20 SENENW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	0.800 CFS 140.00 AFY

PLACE OF USE: IRRIGATION Within TETON County

T04N R45E S19 NENE 40.00
40 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.

This right is subject to regulation by the watermaster of Water District No 01.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



Idaho Department of Water Resources

Adjudication Claim:

22-86B

Legend

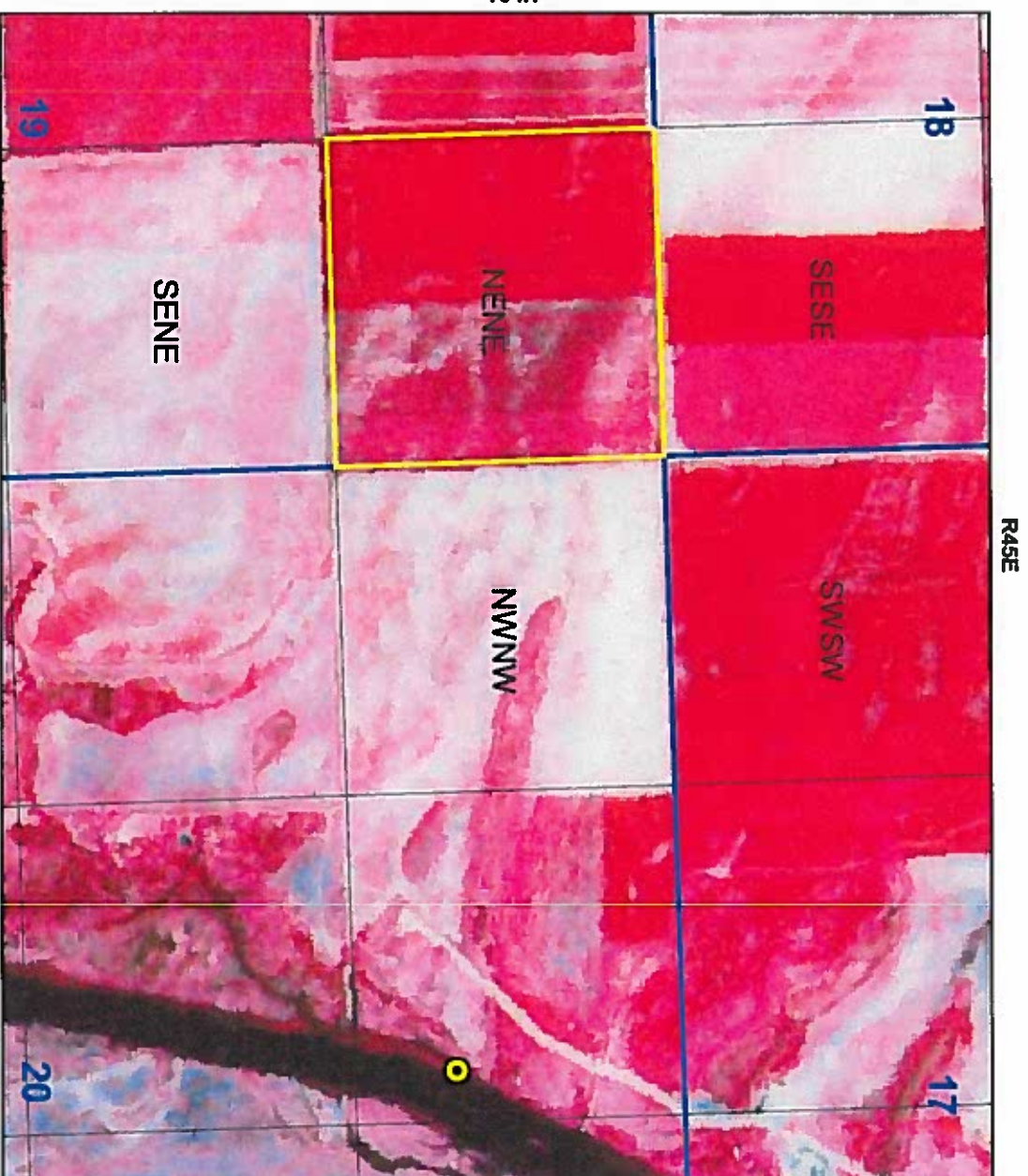
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Teton County
IDWR Basin 22



T04N



0

0.3

0.6 Miles



Prepared by K. Moore
On Monday, May 15, 2006
1987/88 Aerial Photography

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
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
	22-86B				

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 rights(s) or claims(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 your water rights(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 Drake Farms Partnership
641 S. 450 W., Victor, ID 83455; 208-354-2501
4. New Owner/Claimant(s) Boyd C. Smith and Jill Johnson Smith Trust
 Name connector (check one): [] and [] or, [] and/or
 New Mailing Address 3201 Ash Street
 City, State and ZIP Code Palo Alto, CA 94306-2240
 New Telephone Number 650-858-4915
5. Date you acquired the property _____

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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 _____		
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	_____	_____

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) Boyd Charles Smith, Trustee
(include title if applicable) Boyd Charles Smith, Trustee of the Boyd Charles & Jill Johnson Smith Trust, u/t/a 12/13/90

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

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ Date _____ WR _____ Date _____

T- 7364

134425
WARRANTY DEED

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JUL 13 1999

TETON CO. ID
CLERK RECORDER

THIS INDENTURE is made this 8th day of July, 1999, by ASA J. DRAKE and JOANN P. DRAKE, husband and wife, acting not individually but as Trustees of the DBL, A Trust and GARL R. DRAKE and JILL J. DRAKE, husband and wife, acting not individually but as Trustees of the DHL, A Trust, collectively the "Grantor", and BOYD C. SMITH and JILL JOHNSON SMITH, as Trustees of the Boyd Charles Smith and Jill Johnson Smith 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 I:

The Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Nineteen (19), Township Four (4) North, Range 45 East, Boise Meridian, Teton County, Idaho.

Tract II:

The Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty (20), Township Four (4) North, Range 45 East, Boise Meridian, Teton County, Idaho.

Tract III:

The South Half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Seventeen (17), Township Four (4) North, Range 45 East, Boise Meridian, Teton County, Idaho.

LESS: Beginning at the Northwest Corner of Teton Valley Lodge Sites, Division III Subdivision, located in Section 17, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho; thence South 29°00'00" West

920 GARL R D JILL D

33.40 feet along Western line of said subdivision to a point; thence along said Western line of said subdivision along a curve to the left with a radius of 348.00 feet and a chord bearing South 14°30'00" West, 174.27 feet to a point; thence South 82.35 feet along the Western line of said subdivision to a point; thence along said Western line of said subdivision along a curve to the right with a radius of 234.46 feet and a chord bearing South 21°00'00" West 168.04 feet to a point; thence along said Western line of said subdivision along a curve to the left with a radius of 620.72 feet and a chord bearing South 33°45'00" West, 178.14 feet to a point; thence South 25°59'18" West 25.00 feet along the Western line of said subdivision to a point; thence North 64°00'42" West, 450.00 feet to a point; thence North 12°28'40" East 250.53 feet to a point; thence North 24°47'34" East 690.00 feet to a point; thence South 63°42'28" East 321.61 feet to a point; thence South 00°28'44" East 318.00 feet to THE POINT OF BEGINNING.

Tract IV:

All of the Northeast quarter of the Northwest quarter of Section 20, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho.

I.E.S.S: Beginning at the South ¼ Corner of Section 17, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho, and running North 0°14'00" West, 245.32 feet along the ¼ Section line; thence South 1°47'16" West, 17.97 feet; thence South 82.35 feet; thence 215.85 feet around the arc of a curve to the right with a radius of 294.46 feet and a chord bearing South 21°00'00" West, 211.05 feet; thence 161.48 feet around the arc of a curve to the left with a radius of 560.72 feet and a chord bearing South 33°45'00" West, 160.92 feet; thence South 25°30'00" West, 10.00 feet; thence South 60°00'00" East, 198.72 feet, thence North 0°14'00" West, 294.21 feet more or less along the ¼ Section line to THE POINT OF BEGINNING.

ALSO I.E.S.S: Lot 13, Block 4, Teton Valley Lodge Sites, Division III, Teton County, Idaho, according to the recorded plat thereof.

ALSO LESS: Beginning at the Southwest corner of Lot 13, Teton Valley Lodge Sites, Division III, Teton County, Idaho, running thence South 74°16'05" East, 86.73 feet; thence South 62°16'14" East, 162.32 feet to the West shore of the Teton River; thence South 29°05'05" West, 450.79 feet along the West shore of the Teton River; thence South 17°15'30" West, 499.43 feet continuing along the West shore; thence South 88°33'40" West, 357.82 feet, thence North 54°41'34" West, 298.76 feet; thence North 41°18'21" East,

Warranty Deed

134425

537.39 feet; thence North 28°46'20" East, 498.40 feet; thence South 75° East, 150.0 feet; thence North 25°30'15" East, 5.0 feet to THE TRUE POINT OF BEGINNING.

ALSO LESS: From the Northwest corner of the SE¼NW¼ of Section 20, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho, an iron pin; thence South 0°55'58" East, 98.10 feet to a point; thence North 89°15'06" East, 926.95 feet to a point in the Teton River; thence North 17°15'30" East, 120.07 feet to an iron pin point, being the Southeast corner of Lot B, Teton Valley Ventures Subdivision; thence South 88°33'40" West, 357.82 feet along the South line of said subdivision; thence North 54°41'34" West, 298.76 feet along the subdivision; thence South 62°03'01" West, 410.44 feet to THE POINT OF BEGINNING.

ALSO LESS: The remainder of the NE¼NW¼ of Section 20, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho, lying West of the Teton Valley Lodge Sites Subdivision and South of the irrigation pipeline, being further described as:

From the Southwest corner of the NE¼NW¼ of Section 20, Township 4 North, Range 45 East, Boise Meridian, North 00°24'23" West, 1309.51 feet along the West line of the NE¼NW¼ to the irrigation pipeline; thence along the irrigation pipeline South 89°34'00" East, 517.00 feet to a point; thence South 50°39'00" East, 126.00 feet; thence South 50°09'45" East, 169.00 feet; thence South 66°45'20" East, 169.4 feet; thence South 70°37'27" East, 79.83 feet, along irrigation line; thence along the West line of Teton Valley Ventures South 28°46'20" West, 498.40 feet to a point; thence South 41°18'21" West, 537.39 feet to a point; thence along Teton Valley Ventures Division II South 63°41'43" West, 414.13 feet more or less to THE POINT OF BEGINNING.

ALSO LESS: Beginning at the Northwest corner of Teton Valley Lodge Sites, Division III Subdivision, located in Section 17, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho; thence South 29°00'00" West, 33.40 feet along Western line of said Subdivision to a point; thence along said Western line of said Subdivision along a curve to the left with a radius of 348.00 feet and a chord bearing South 14°30'00" West, 174.27 feet to a point; thence South 82.35 feet along the Western line of said Subdivision to a point; thence along said Western line of said Subdivision along a curve to the right with a radius of 234.46 feet and a chord bearing South 21°00'00" West, 168.04 feet to a point; thence along said Western line of said Subdivision along a curve to the left with a radius of 620.72 feet and a chord bearing South

Warranty Deed

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33°45'00" West, 178.14 feet to a point; thence South 25°59'18" West, 25.00 feet along the Western line of said Subdivision to a point; thence North 64°00'42" West, 450.00 feet to a point; thence North 12°28'40" East, 250.53 feet to a point; thence North 24°47'34" East, 690.00 feet to a point; thence South 63°42'28" East, 321.61 feet to a point; thence South 00°28'44" East, 318.00 feet to THE POINT OF BEGINNING.

ALSO LESS: Adams Road

SUBJECT TO THE FOLLOWING:

1. Right-of-Way Easement between Asa J. Drake and JoAnn P. Drake, husband and wife, and Asa M. B. Drake and Gertrude Drake, husband and wife, and Garl R. Drake, a single man, to Lyle K. Kunz and Gisela H. Kunz, recorded September 5, 1968, Recorder's No. 66072, records of Teton County, Idaho.
2. Easement Agreement between Garl R. Drake and Jill J. Drake, husband and wife, and Asa J. Drake and JoAnn P. Drake, husband and wife, to Teton Valley Lodge Sites and the Drakes, recorded November 30, 1983, Recorder's No. 93870, records of Teton County, Idaho.
3. Warranty Deed reserving and excepting unto The Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints all minerals, coal, carbons, hydrocarbons, etc. recorded June 14, 1985, Recorder's No. 96963, records of Teton County, Idaho.
4. Restrictive Covenants Agreement between "Drake" and TVL Properties, Inc., recorded May 19, 1993, Recorder's No. 112828, records of Teton County, Idaho.
5. Easement Agreement, recorded May 19, 1993, Recorder's No. 112829, records of Teton County, Idaho.
6. Irrigation Pump and Mainline Agreement between "Drakes" and Boyd Charles Smith and Jill Johnson Smith Trust Agreement dated 12-13-90, recorded May 19, 1993, Recorder's No. 112830, records of Teton County, Idaho.

Warranty Deed

134425

7. Agreement for Electrical Service between Drake Brothers, and Fall River Rural Electric Cooperative, Inc., recorded January 31, 1994, Recorder's No. 115176, records of Teton County, Idaho.
8. Record of survey recorded May 14, 1998, Recorder's No. 130303, records of Teton County, Idaho.
9. Lis Pendens-Notice of Pendency of Action in the State of Idaho District Court for Teton County, Teton Valley Lodge Homeowners Association, an Idaho nonprofit corporation, Plaintiff vs. Teton County, a political subdivision of the State of Idaho, Defendant, Writ of Mandate for Injunction decision to approve a series of purported "land splits", Case No. CV98-067, recorded December 16, 1998, Recorder's No. 132468, records of Teton County, Idaho.

TOGETHER with all mineral and water rights and all other tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

ALSO TOGETHER with any and all wells, pumps, electrical panels, water distribution systems, irrigation pipelines and equipment and all attendant irrigation structures and facilities located on the above described property or used to irrigate the above described property. All pumps, electrical panels, water distribution systems, irrigation pipelines and equipment and all attendant irrigation structures and facilities are represented by Grantor to be in good operating condition.

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

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

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

2205 - Warranty Deed

134425

THE DBL, A Trust

By: Asa J. Drake, Trustee
Asa J. Drake, Trustee

By: John P. Drake, Trustee
John P. Drake, Trustee
JPD

THE DHL, A Trust

By: Gari R. Drake, Trustee
Gari R. Drake, Trustee

By: Jill L. Drake, Trustee
Jill L. Drake, Trustee

STATE OF IDAHO)
)ss.
County of Teton)

On the 8th day of July, 1999, before me, the undersigned, a notary public in and for said State, personally appeared Asa J. Drake, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of The DBL, A Trust 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.

(seal)



Kenneth J. Brower
Notary Public for Idaho
Residing at Tetonia, Idaho
My Commission Expires: 2-27-04

90
6 - Warranty Deed BRD
JPD yfd

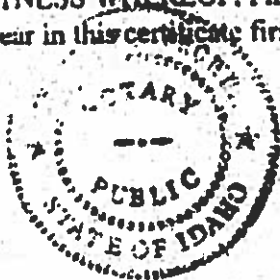
134425

STATE OF IDAHO)
)ss.
 County of Teton)

On the 8th day of July, 1999, before me, the undersigned, a notary public in and for said State, personally appeared Joann P. Drake, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of The DBL, A Trust 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.

(seal)



Jerilee J. Brower
 Notary Public for Idaho
 Residing at Teton, Idaho
 My Commission Expires: 2-27-04

STATE OF IDAHO)
)ss.
 County of Teton)

On the 8th day of July, 1999, before me, the undersigned, a notary public in and for said State, personally appeared Carl R. Drake, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of The DHL, A Trust 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



Jerilee J. Brower
 Notary Public for Idaho
 Residing at Teton, Idaho
 My Commission Expires: 2-27-04

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Warranty Deed

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STATE OF IDAHO)
)ss.
County of Teton)

134425

On the 8th day of July, 1999, before me, the undersigned, a notary public in and for said State, personally appeared Jill J. Drake, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of The DHL, A Trust 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.



Jerrine J. Brower
Notary Public for Idaho
Residing at Teton, Idaho
My Commission Expires: 2-27-04

134425

FILED

AT THE REQUEST OF

First AmericanAT 58 MINUTES PAST 3 P. M.DATE July 13, 1999BY Dea. H. Boyle

CLERK OF RECORD

BY Dea. H. Boyle ✓

S.18

S.17

APPROXIMATE LOCATION OF WELL ---
SOURCE OF GROUND WATER
IRRIGATING LANDS IN WATER RIGHT
NO. 22-07681

39 AC

38 AC

34 AC

40 AC

22 AC

INLET POND

OUTLET
8" DIA.
STEEL PIPE
AT EARTHEN DAM

S.19

S.20

TETON VALLEY
ADAMS ROAD
LODGE SITES

TETON RIVER

TETON VALLEY
VENTURES

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
FREDERICK J. HAHN, III
KARL R. DECKER
SHAN B. PERRY
DeANNE CASPERSON**
AMELIA A. SHEETS
ROBERT L. HARRIS
DEBORAH S. O'MALLEY

1000 RIVERWALK DRIVE, SUITE 200
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

**Also Licensed in Missouri & Kansas

August 3, 2006

Jennifer Crabtree
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

RE: Notice of Change of Water Right Ownership
Drake Farms Partnership to Boyd C. Smith & Jill Johnson Smith Trust

Dear Jennifer:

Enclosed is a Notice of Change of Water Right Ownership along with a deed and map.
Thank you for your kind assistance with this matter. If you have any questions, please feel free
to contact this office at your earliest convenience.

Yours very truly,



Kent W. Foster

Enclosures

G:\WPDATA\KWF\8527 SMITH, BOYD\CORRESPONDENCE\2006\Jennifer Crabtree ltr 080306 wpd.cdv

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AUG 04 2006

Department of Water Resources
Eastern Region

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Dirksen, Fred	8.0		22-0086
2704	LDS Church	1.6*		22-0086B
	Dirksen, Fred	6.4		22-0086A

* Rate of diversion limited to 0.8 cfs per approval of transfer.

N

SRBA Claims

22-B6A, 3.20cfs, J.W. Angley

22-B6B, 1.60cfs*, Donke Farm

22-12179, 3.20cfs, G. Lundquist

8.00cfs

* TR 2704 Limits to 0.8cfs AND 140AFH

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 22-86B

WATER RIGHT NUMBER: 22-86B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHURCH OF JESUS CHRIST OF THE LATTER DAY SAINTS RT 1 BOX 523 VICTOR, ID 83455
Original Owner	FRED DIRKSEN VICTOR, ID

Priority Date: 01/22/1916

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
TETON RIVER	HENRYS FORK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	1/01 to 10/31	0.800 CFS	
	<u>Total Diversion:</u>	0.800 CFS	

Location of Point(s) of Diversion

TETON RIVER	NE1/4NW1/4	Sec. 20, Twp 04N, Rge 45E, B.M.
TETON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	45E	19	40.0																40.0

Total Acres: 40

Conditions of Approval:

1. TRANS. #2704. AMT: MAX. DIVERSION RATE = 0.8 CFS AND 140 AFA.
0.8 CFS APPEARS LOST DUE TO THIS TRANSFER SINCE ORIGINAL DECREE IMPLIED 0.04 CFS PER ACRE. HWJ 3-20-96
2. 001 A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
3. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.

Remarks:



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

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FEB 21 1984

Department of Water Resources
Eastern District Office

February 15, 1984

RE: Transfer of Water Right No. 22-0086B

Church of Jesus Christ of
Latter Day Saints, Victor Wards
Rt. 1, Box 523
Victor, ID 83455

Gentlemen:

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 2704). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure

505
Latter Day
North of
2nd Rd

SE¼NE¼NW ¼ Sec 20, T04N, R45E



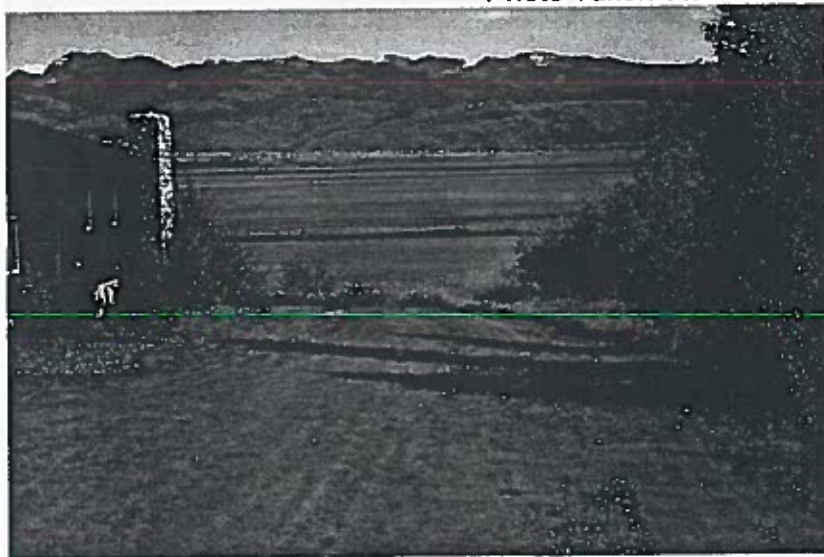
Location of P/D **22-00086B**
Keith C. Wilson

Photo Taken 09/28/2000



View West from Teton River
Keith C. Wilson

Photo Taken 09/28/2000



View East towards Teton River
Keith C. Wilson

Photo Taken 09/28/2000

of Larby Creek, with a priority date of January 22, 1916, with point of diversion and for the irrigation of the lands described in paragraph VIII of the Findings of Fact.

22 00834. That the plaintiff, Lorin Murdock, be awarded the use of .8 cubic foot per second or 40 miners inches of the waters of Price Springs with a priority date of January 22, 1916, with point of diversion and for the irrigation of the lands described in paragraph IX of the Findings of Fact.

22 00835. That the plaintiff, V. A. Price, be awarded the use of .8 cubic foot per second or 40 miners inches of the waters of Grandall Springs with a priority date of January 22, 1916, with point of diversion and for the irrigation of the lands described in paragraph X of the Findings of Fact.

22 00836. That the plaintiff, D. C. Beckstead, be awarded the use of 2 cubic feet per second or 100 miners inches of the waters of Teton Creek with a priority date of January 22, 1916, with point of diversion and for the irrigation of the lands described in paragraph XI of the Findings of Fact.

22 00837. --That the plaintiff, Fred Dirksen, be awarded 8 cubic feet or 400 miners inches of the waters of Blodgett, Crail and Clear Creeks with a priority date of January 22, 1916, with points of diversion and for the irrigation of the lands described in paragraph XII of the Findings of Fact.

22 00838. That the plaintiff, G. F. Bailey, be awarded 1.6 cubic feet per second of the waters of Clear Creek with a priority date of January 22, 1916, with point of diversion and for the irrigation of the lands described in paragraph XIII of the Findings of Fact.

22 00839. That the plaintiff, B. F. Blodgett, be awarded the use of 8 cubic feet per second or 400 miners inches of the waters of Blodgett Spring or Creek and an unnamed creek, with a priority date of January 22, 1916, with points of diversions and for the irrigation of the lands described in paragraph XIV of the Findings of Fact.

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant Church of Jesus Christ of Latter Day Saints Phone 787-2959

Post Office address Victor Wards

Rt. #1, Box 523, Victor, Idaho 83455

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree No. 22-0086 Decreed to Fred Dirksen
- (Name)
- in case of Robert E. Griggs vs Lynn Crandall
- dated in 1-24-1938 in Ninth Judicial District county of Fremont
- (Name of court)
- b. License No. issued by the Idaho Department of Water Resources
- c. Claim No. on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant
- Right acquired through purchase of ground

3. Source of water Blodgett, Crail, Clear Creeks tributary to Teton River

4. Date of priority January 22, 1916

5. Water is used for the following purposes:

amount 8.00 cfs for irrigation purposes from *Not specified in decree to

amount for purposes from to

amount for purposes from to

(month/day — both dates inclusive)

6. Total amount of water under right: a. 8.00 cubic feet per second

&/or

b. acre feet per annum

7. Location of original point of diversion is SE 1/4 of NE 1/4 (Blodgett Creek) 5

Township 3N Range 45E, B.M., in Teton County

Additional points of diversion, if any NE 1/4 SE 1/4, Sec. 5 (Craile Creek) and NE 1/4 NE 1/4, Sec. 8,

(Clear Creek, T. 3N, R. 45E

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	45E	5				*									*	*	*	*	200

Total number of acres to be irrigated 200

9. Describe any other water rights used for the same purpose as described above None

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No

If yes, describe in item D, REMARKS.

omit part B).

1. Amount of water: a. 1.60 cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5 Township 3N
Range 45E, B.M., Teton County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
3N	45E	5				40													40

Total number of acres to be irrigated 40

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

* See conditions of Approval for rate & Vol.

- a. Amount of water to be diverted * 1.60 c.f.s. &/or _____ acre feet
- b. Description of diverting works Diversion ditch to pump and pipeline to sprinkler irrigation
- c. Describe the reasons for the proposed changes We feel water can be more profitably used on new place of use

2. Change in point of diversion

Point of diversion NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20 Township 4N
Range 45E, B.M., Teton County
Additional points _____

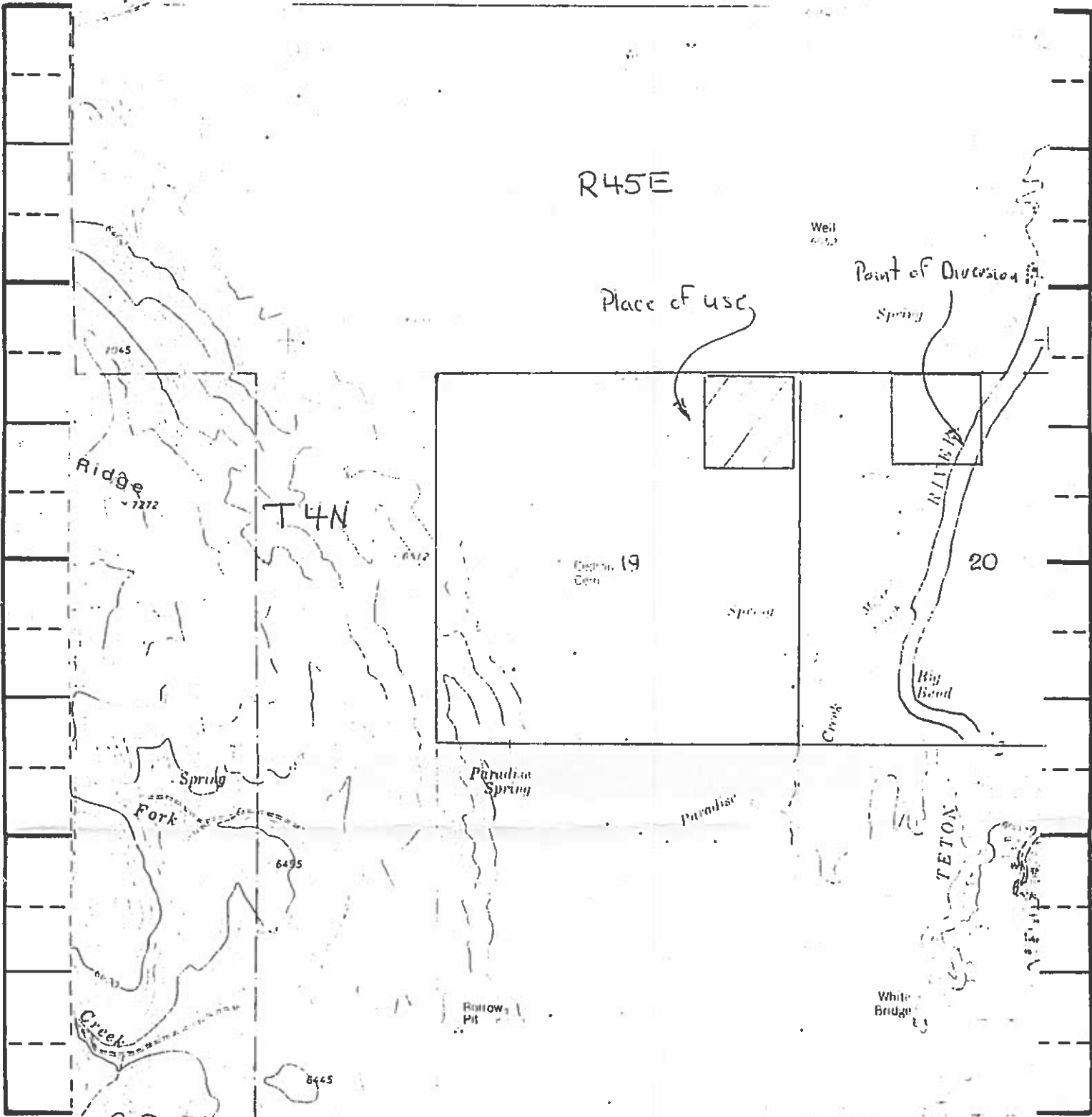
3. Change in place of use

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer Will convert this land to pasture use.

TWP.	RANGE	SEC.	NE%				NW%				SW%				SE%				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
4N	45E	19	40																40

Total number of acres to be irrigated 40

4. Describe any other water rights used for the same purpose as described above. None
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE 2 inches equal 1 mile. Draw plan in ink.

D. REMARKS

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Asa J. Drake - Bishop of LDS chur
(Signature of Applicant)

Subscribed and sworn to before me this 11 day of June, 1982

Lynne S. Kearney
(Notary Public)

My commission expires Feb 21, 1983

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 22-00868 and said application is hereby APPROVED, subject to the following limitations and conditions:

1. The maximum rate of diversion under this right shall provide no more than 0.8 cfs nor more than 140 acre feet/annum.
2. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
3. Use of water under this right is subject to control by the watermaster of State Water District No. 01, Snake River.

Witness my hand this 14th day of February, 1984

J. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by PW Date 6-14-82 Protest filed by _____

Prelim. check by EMC Fee \$50.00 _____

Received by BP Date 6-15-82 #22318 _____

Published in Teton Valley News Copies of protest forwarded by _____

Pub. dates 6/24 & 7/1/82 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for approval denial

_____ rec'd. _____ by EMC

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Dirksen, Fred	8.0		22-0086
2704	LDS Church	1.6*		22-0086B
	Dirksen, Fred	6.4		22-0086A

* Rate of diversion limited to 0.8 cfs per approval of transfer.



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

RECEIVED

FEB 21 1984

Department of Water Resources
Eastern District Office

February 15, 1984

RE: Transfer of Water Right No. 22-0086B

Church of Jesus Christ of
Latter Day Saints, Victor Wards
Rt. 1, Box 523
Victor, ID 83455

Gentlemen:

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 2704). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure

505
Latter Day
North of
2nd Rd

SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 20, T04N, R45E



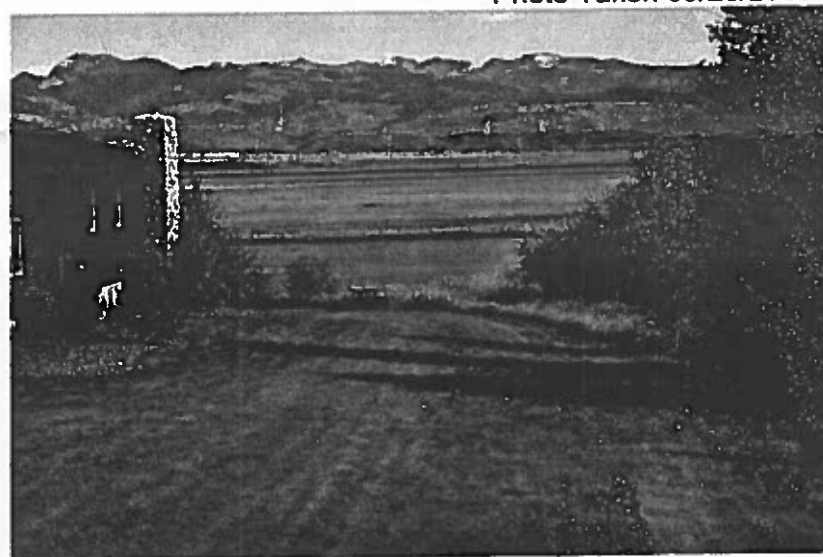
Location of P/D **22-00086B**
Keith C. Wilson

Photo Taken 09/28/2000



View West from Teton River
Keith C. Wilson

Photo Taken 09/28/2000



View East towards Teton River
Keith C. Wilson

Photo Taken 09/28/2000

22-86B

NESW

NWSE

NESE

NWSW

NESW

SESW

SWSE

SESE

SWSW

SESW

18

17

19

20

NWNE

NENE

NWNW

NENW

NENW

SWNE

SENE

SWNW

SENE

SENE

MEMORANDUM

TO: **A22-00086B**

12/12/2000

FROM: Keith C. Wilson

RE: Re-Diversion Point on Teton River

On 09/28/2000 I took photos of the location of the Re-Diversion point of A22-00086B as part of the field examination for 22-07681. The Re-Diversion has been removed by the current owner, Boyd Charles Smith, 301 Coleridge Ave, Palo Alto, CA 94301.

The Re-Diversion point was known as the Drake Brothers Diversion.



Keith C. Wilson
Senior Resource Agent

SD-4103
INQUIRY

Idaho Department of Water Resources
Adjudication Names Screen

Date: 12/12/00
Time: 15:44:23

Water Right Number: A22-00086B

FIRST PAGE

Owner Codes: O Original Owner P Present Owner L Lien Holder T Trustee
C Current Owner R Representative S Lessee
K Also Known As A Attorney of Record D Dir Rpt Owner

Last: DRAKE FARMS PARTNERSHIP
Address: 641 S 450 W

First:

State: ID Zip: 83455-
Owner Code: C

City: VICTOR
Phone: (208) 354-2501

Name Connector:

Last:
Address:

First:

State: Zip: -
Owner Code:

City:
Phone: () -

(GOLD4=Prev Screen) (GOLD6=End of Data)
(GOLD5=Next Screen)

(Enter=Exit)
(GOLD8=Cancel)

*Should go to
Boyd Smith Trust*

SD-4106
INQUIRY

Idaho Department of Water Resources
Adjudication Points of Diversion Screen

Date: 12/12/00
Time: 15:44:34

Water Right Number: A22-00086B

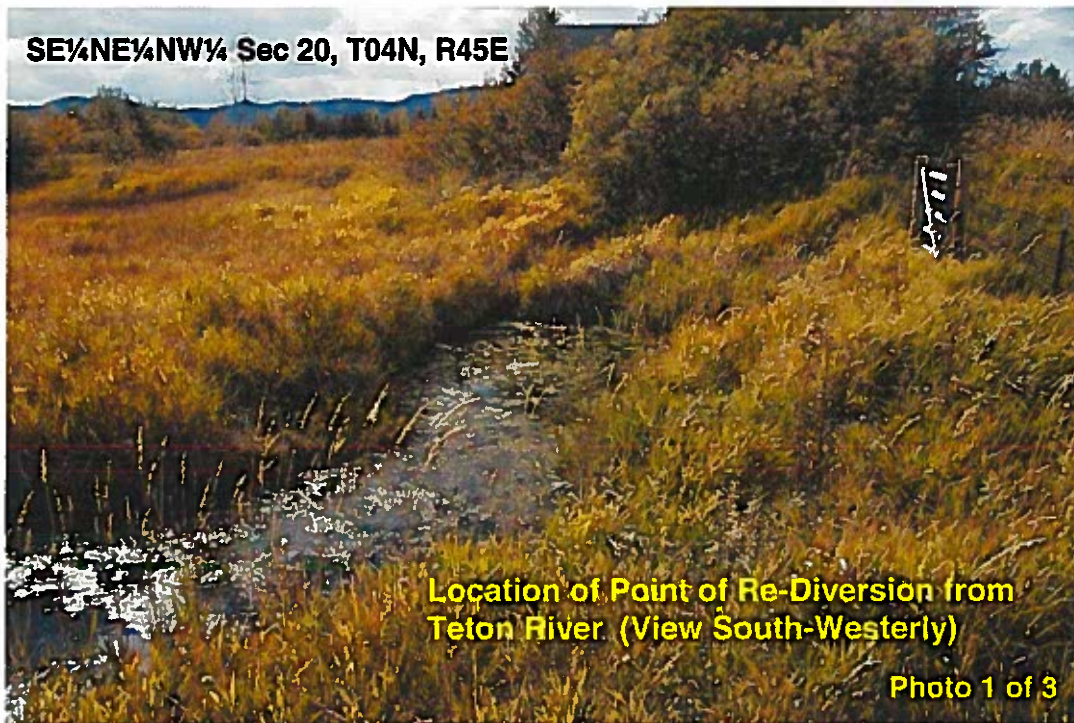
FIRST PAGE

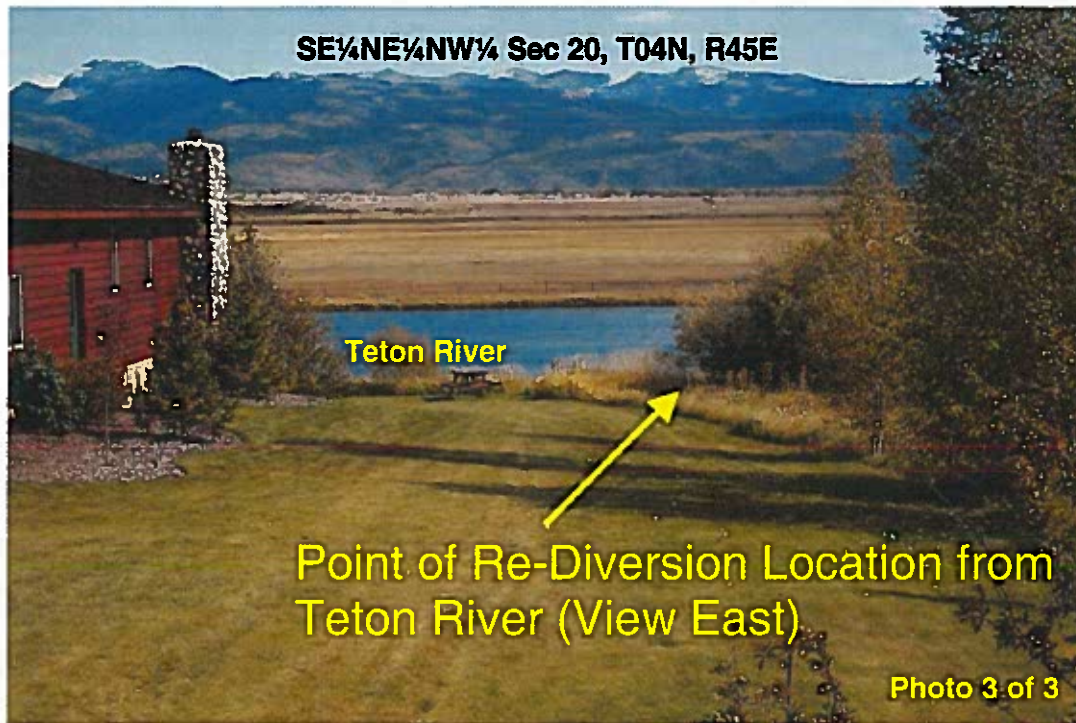
4. Point of Diversion::

TWP	RNG	Sect	1/4	1/4	1/4	Lot	PoD Flag	County Code	County Name
03N	45E	5		SE	NE			81	TETON
03N	45E	5		NE	SE			81	TETON
03N	45E	8		NE	NE			81	TETON
04N	45E	20	NE	NE	NW		R	81	TETON

(GOLD4=Prev Screen) (GOLD6=End of Data)
(GOLD5=Next Screen)

(Enter=Exit)
(GOLD8=Cancel)





(Photo taken 09/28/2000)

SD-4103
INQUIRY

Idaho Department of Water Resources
Water Rights Names Screen

Date: 12/12/00
Time: 15:44:01

Water Right Number: 22-07681

FIRST PAGE

Owner Codes: O Original Owner P Present Owner L Lien Holder T Trustee
C Current Owner R Representative S Lessee
K Also Known As A Attorney of Record D Dir Rpt Owner

Last: SMITH

First: BOYD CHARLES

Address: 301 COLERIDGE AVE

City: PALO ALTO

State: CA ZIP: 94301-

Phone: (650) 493-5310

Owner Code: C

Name Connector:

Last: SMITH

First: JILL JOHNSON

Address: 301 COLERIDGE AVE

City: PALO ALTO

State: CA ZIP: 94301-

Phone: (650) 493-5310

Owner Code: C

(Enter=Exit) (GOLD4=Prev Screen)
(GOLD5=Next Screen)

(GOLD6=End of Data)

(GOLD8=Cancel)

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: A22-00086B
Date Received: 9/29/1988
Receipt No: 8002757
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DRAKE FARMS PARTNERSHIP 208-354-2501
Address: 641 S. 450 W.
VICTOR, ID 83455

2. Date of Priority: JAN 22, 1916

3. Source: BLODGETT CREEK Trib. to: TETON RIVER
CRAIL CREEK TETON RIVER
CLEAR CREEK TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	45E	5		SE	NE		TETON
				NE	SE		TETON
		8		NE	NE		TETON
04N	45E	20	NE	NE	NW	R	TETON

5. Description of diverting works:
ELECTRIC PUMP, PIPELINE 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	1.600		

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

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

9. Non-irrigation uses:



10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	45E	19	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:

TRANS. #2704. AMT: MAX. DIVERSION RATE = 0.8 CFS AND 140 AFA.
UNDER TRANS. #2704 WATER FROM BLODGETT, CRAIL AND CLEAR CREEKS
IS DISCHARGED INTO THE TETON RIVER AND REDIVERTED BY PUMP IN
NE1/4NW1/4 SECTION 20.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/24/1938

ROBERT E. GRIGGS

Decree Plaintiff

vs

LYNN CRANDALL, W. M.

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Sn. Partner of _____ Title

Drake Farm Partnership , that I have signed the foregoing Organization

document in the space below as Sn. Partner of _____ Title

Drake Farm Partnership and that the statements contained in the Organization

foregoing document are true and correct.

Asa J. Drake
Signature of Authorized Agent

Sn. Partner Drake Farm Partnership
Title and Organization

29 September 1988
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 29 day

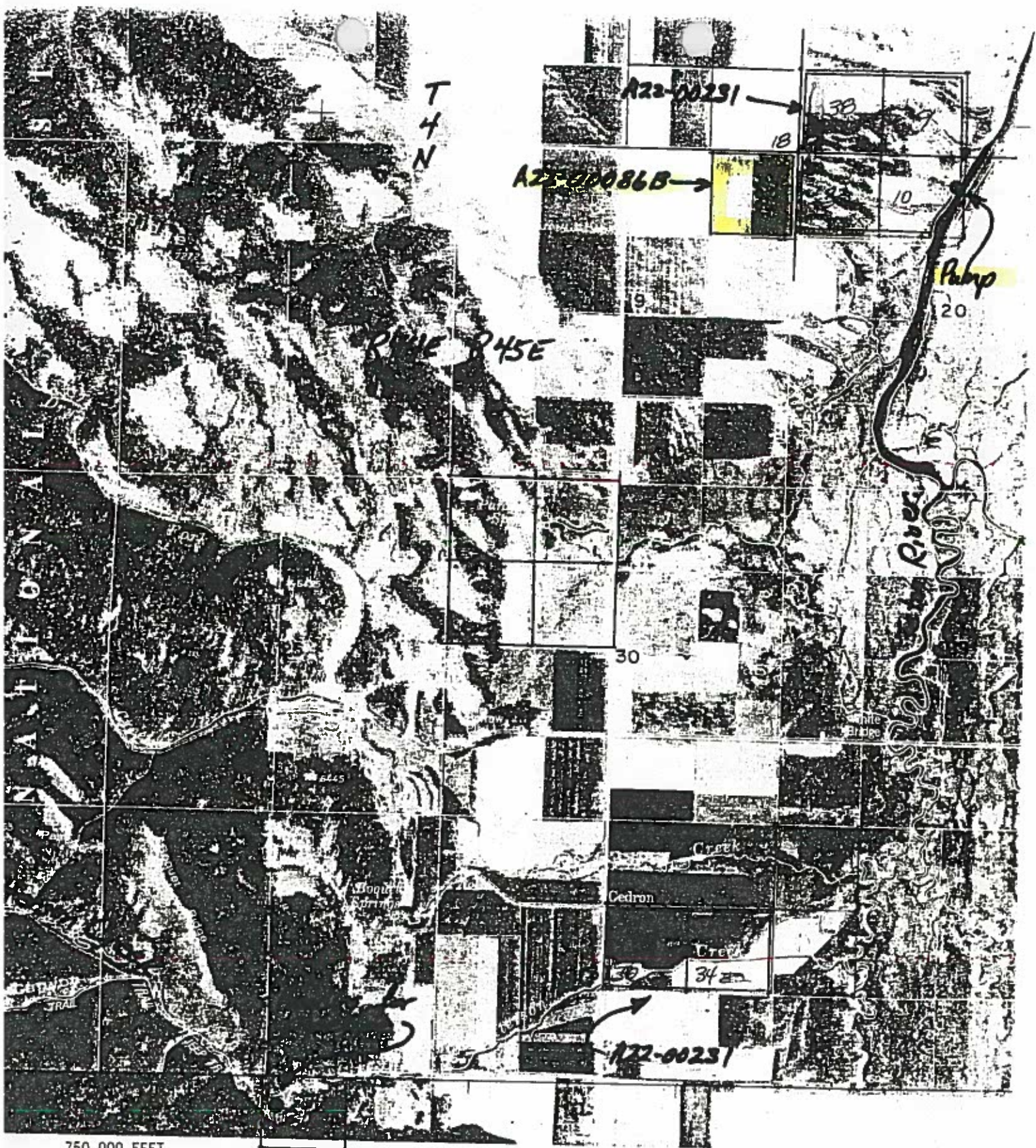
of Sept. 19 88

Ernest Carlson
Notary Public

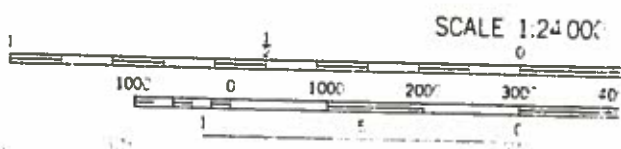
Seal

Residing at Shilo Falls ID

My Commission Expires 14 June 1994



750 000 FEET



MICROFILMED
NOV 04 1992