

12/19/2006

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

RIGHT NUMBER: 22-130B

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: NORTH LEIGH CREEK

TRIBUTARY: SPRING CREEK

QUANTITY: 0.680 CFS

The rights listed below are limited to a total combined diversion rate of 2.18 cfs. Combined Right Nos.:22-130B, 22-481A, 22-482A, 22-483A, 22-2029D.

PRIORITY DATE: 01/22/1916

POINT OF
DIVERSION:

T06N R46E S30 SENE Within TETON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.680 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T06N R45E S25 NESE 14.00	T06N R45E S25 NWSE	27.00

41 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 41.0 acres in a single irrigation season. Combined Right Nos.:22-130B, 22-481A, 22-482A, 22-483A, 22-2029D.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through Ricks Canal.

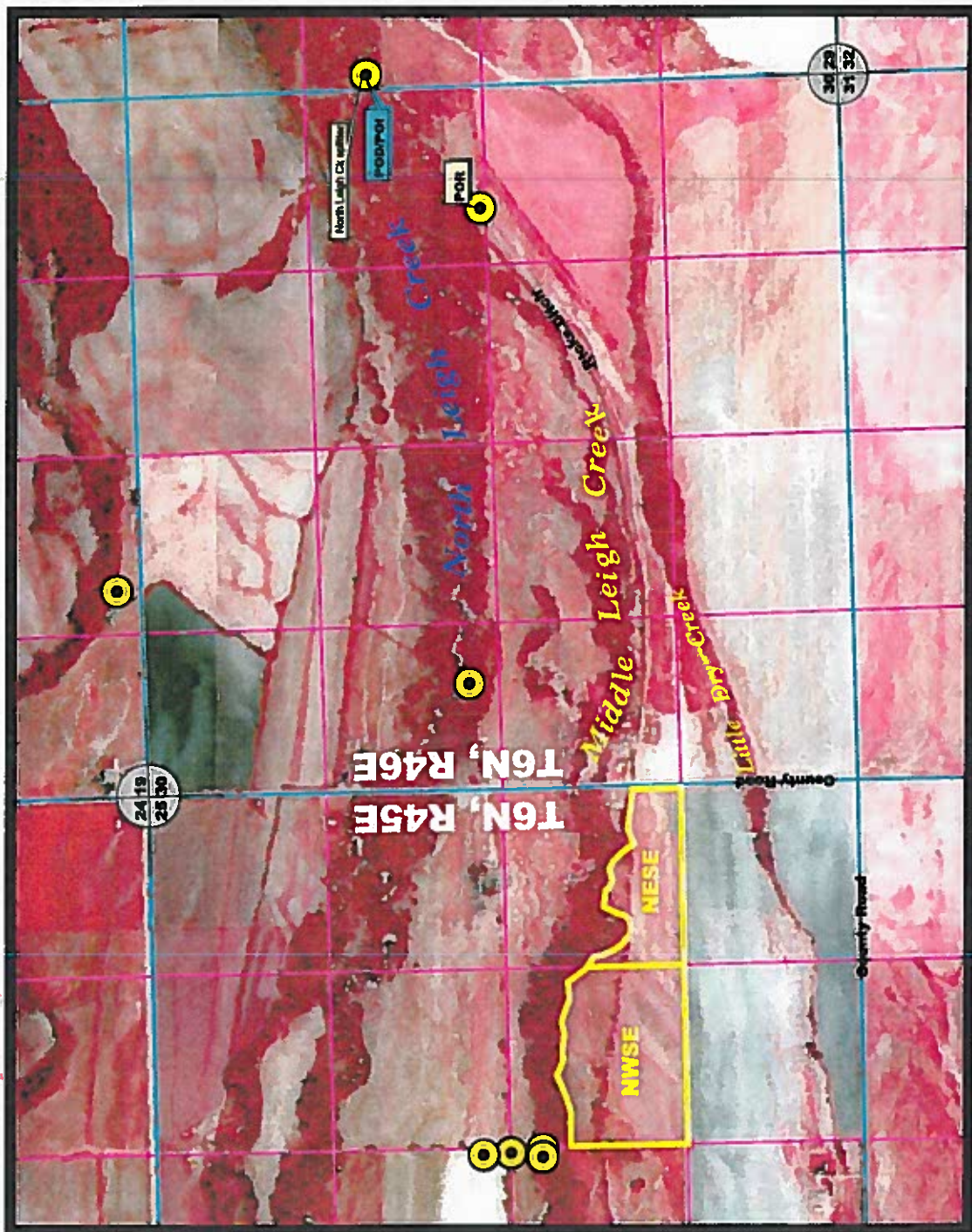


SCANNED
JUN 21 2005
PROM

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-130B,
22-481A,
22-482A,
22-483A,
22-2029

Point(s) of Diversion:
T6N, R46E
Sec. 29 NWSWNW (POD/POI)
Sec. 30 SWSENE (POR)

Place of Use: (parts of)
T6N, R45E Sec. 25 N2SE

Water delivered by Ricks Ditch.

LEGEND

- Point of Diversion
- SESE Place of Use
- Section
- Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: June 2005

BOYD SMITH

WATER RIGHT CLAIMS; North Leigh Creek to Sec. 25 N2SE

<u>Water Right</u>	<u>Priority Date</u>	<u>CFS</u>	<u>Source</u>	<u>Recommendation</u>
22-481A	04/01/1898	0.30	No. Leigh Ck	
22-482A	06/01/1900	0.90	No. Leigh Ck	
22-483A	06/01/1904	0.30	No. Leigh Ck	
* 22-2029	01/20/1908	0.71 <i>2.21 cfs</i>	No. Leigh Ck	renumber to <i>NOT DONE</i>
22-130B	<u>01/22/1916</u>	1.20	No. Leigh Ck	<i>No Limits</i>

** 2029 IS A SPLIT RT CLAIMED AS 2029, 2029B/C.*

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JUN 21 2005

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Water Right Split History Analysis

22-130A F. Hansen

5.40 cfs ON 404[±]

8.08 cfs

UNDECLAINED Q

DECREED UNDER:

HANSEN, et al vs. L. CHANDLER
24 JANUARY 1938.

22-130B B. Smith

1.20 cfs ON 46[±] AC

0.92 cfs

overclaimed Q

22-00130

12[±] cfs ON 600[±] AC

22 JANUARY 1916

NORTH LEIGH CREEK

SEE ATTACHED EXCERPT

SPLIT BY SRBA

$$\frac{12^{\pm} \text{ cfs}}{600^{\pm} \text{ AC}} = 0.02 \text{ cfs/ac}$$

22-130D B. Smith

0.80 cfs ON 40 AC Q-OK

D. HARLANDER

22-130C

1.60 cfs ON 80[±] AC

SPLIT BY Q

22-130E D. Bush

0.80 cfs ON 40[±] AC Q-OK

UNCLAIMED

23.8 cfs

21.4 if

Reviewer: _____

Owen's AND FIXED
UNDER'S

Date: _____

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JUN 07 2005

PROFILE

Contacts Data Entry Form

Claim Number: 22-130B

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

Current Owner:	<u>Boyd Smith</u>				
Current Owner:					
Current Owner:					

Phone No.:	
Phone No.:	
Phone No.:	

Phone No.:	
------------	--

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

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

DECEASED UNDER HANSON VS CRANDALL, 1938, P. VIII. AS: 12⁰⁰ cfs
ON GODAC., 22 JAN 1916, NO. LUTAH CREEK: SEE ATTACHED DUEBES
EXCERPT AND SRBA SPLIT HISTORY

FB: THIS USUAL
QUOTAP OR RTs - SEE 22-2029, 481A, 482A, 483A

Reviewer: _____ Date: _____

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JUN 07 2005

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 1/22/1916 Claimed Basis: DIRECTRecommended Priority Date: 1/22/1916 Recommended Basis: DIRECT☐ 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:

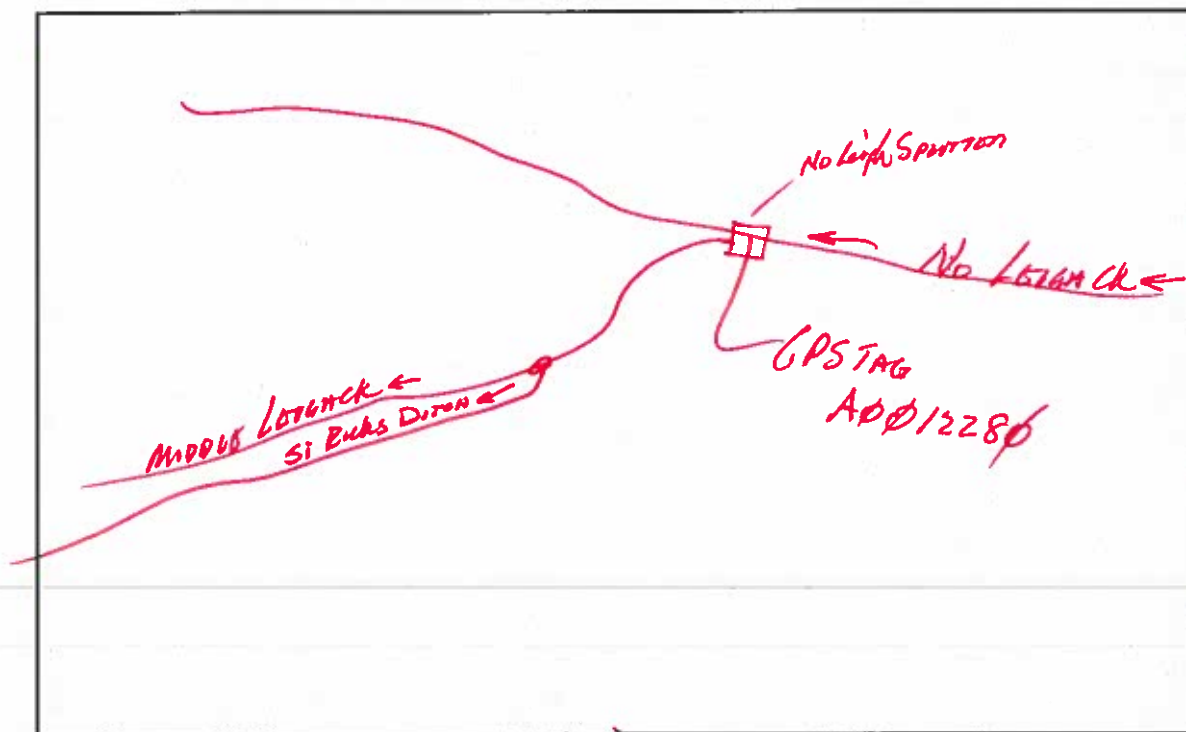
MATRAUS DIRECT

Reviewer: _____

Date: SCANNED**PROFILED**

JUN 07 2005

Water Right No(s). _____



GPS DATA:

Tag # A0012279 *Si Ecks heading* Location: headgate wall

Diversion Data:

Source: Middle Leigh Creek Trib to: Spring Creek then to Teton River

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

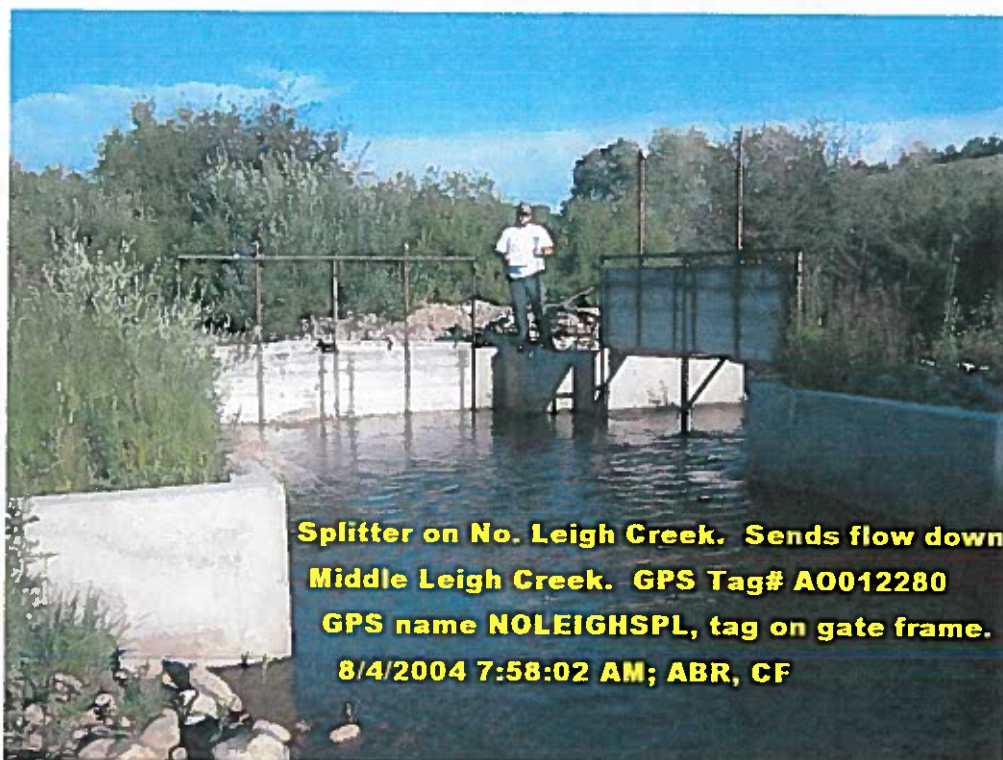
NOTES:

This headgate was tagged by AR & CF
earlier.

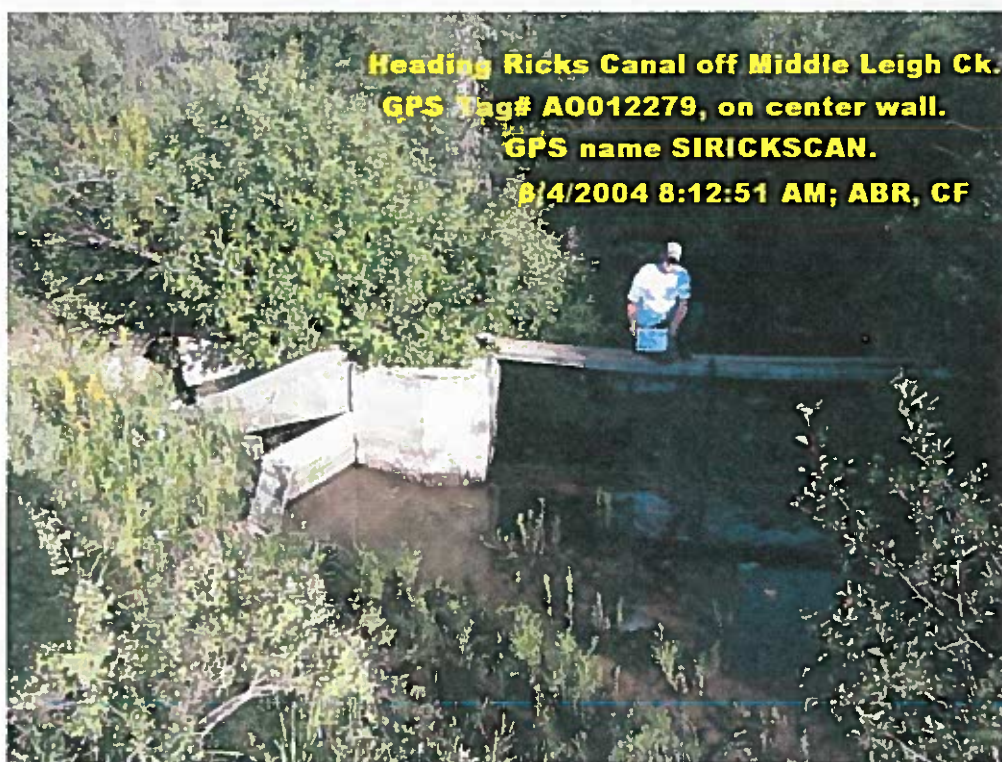
Field Exam Date: 8/16/04 Agent: DD SCANNED

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**Splitter on No. Leigh Creek. Sends flow down
Middle Leigh Creek. GPS Tag# A0012280
GPS name NOLEIGHSPL, tag on gate frame.
8/4/2004 7:58:02 AM; ABR, CF**



**Heading Ricks Canal off Middle Leigh Ck.
GPS Tag# A0012279, on center wall.
GPS name SIRICKSCAN.
8/4/2004 8:12:51 AM; ABR, CF**

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T 6N, R 46E, Sec. 30, 12 (SW, NW) County: TetonSource: No Latch Creek Tributary to: _____

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

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
<u>6N</u>	<u>46E</u>	<u>30</u>		<u>NWNESE</u>	<u>Teton</u>	<u>No Latch Ck</u>	<u>Teton River</u>

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
<u>6N</u>	<u>46E</u>	<u>30</u>			<u>Teton</u>	<u>No Latch Ck</u>	<u>Spring Ck</u> Lot # _____

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

POD CLAIMED IN T6N R46E SEC. 30 - THAT'S SIX MILES WEST (DOWNSTREAM) FROM POK.

* VERIFY POD LOCATION ⇒ SUGGEST ITS IN T6N R46E SEC. 30.

Q: SOURCE NO LATCH CR?

IS LITTLE DRY CREEK USED AS CONVEYANCE?

WHAT IS EDISON & RICKS CANAL ABOUT?

8/16/04 POD is Edison / Ricks Canal - Field exam shows headgates and ditches, out of canal can be used to irrigate claim

Reviewer: _____ Date: _____

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Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

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

Total acres _____

Recommended Place of Use

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

Total acres _____

Pending or approved Transfers: _____

Document how the POU was verified:

How DOES IRRIGATION TAKE PLACE ON BOTH SIDES OF EDISON/RICHES CANYON?

How DOES IRRIGATION WORK ON BOTH SIDES OF MIDDLE LUTCH CR.

8/16/04 Field exam shows ditches that have been used to water this claim. One of the ditches was filled in fairly recently. Not sure why. Acreage claimed seems fairly close.

Reviewer: _____ Date: _____

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Season of Use and Quantity Data Entry Form

Claim Number: _____

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
<i>Tray</i>	<i>4/15</i>	<i>10/15</i>	<i>1.2</i>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Tray</i>	<i>4/15</i>	<i>10/31</i>	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

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

*SOU NOT DEFINED BY DECREE - CLAIMS 10/15, IDWR SOU
STD FOR ANGA IS 4/15 TO 10/31 ⇒ SO RECOMMENDED*

Reviewer: _____

Date: _____

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JUN 07 2005

Claim no. _____

Claimant Contact Log

Date _____

Remarks

Agent initials

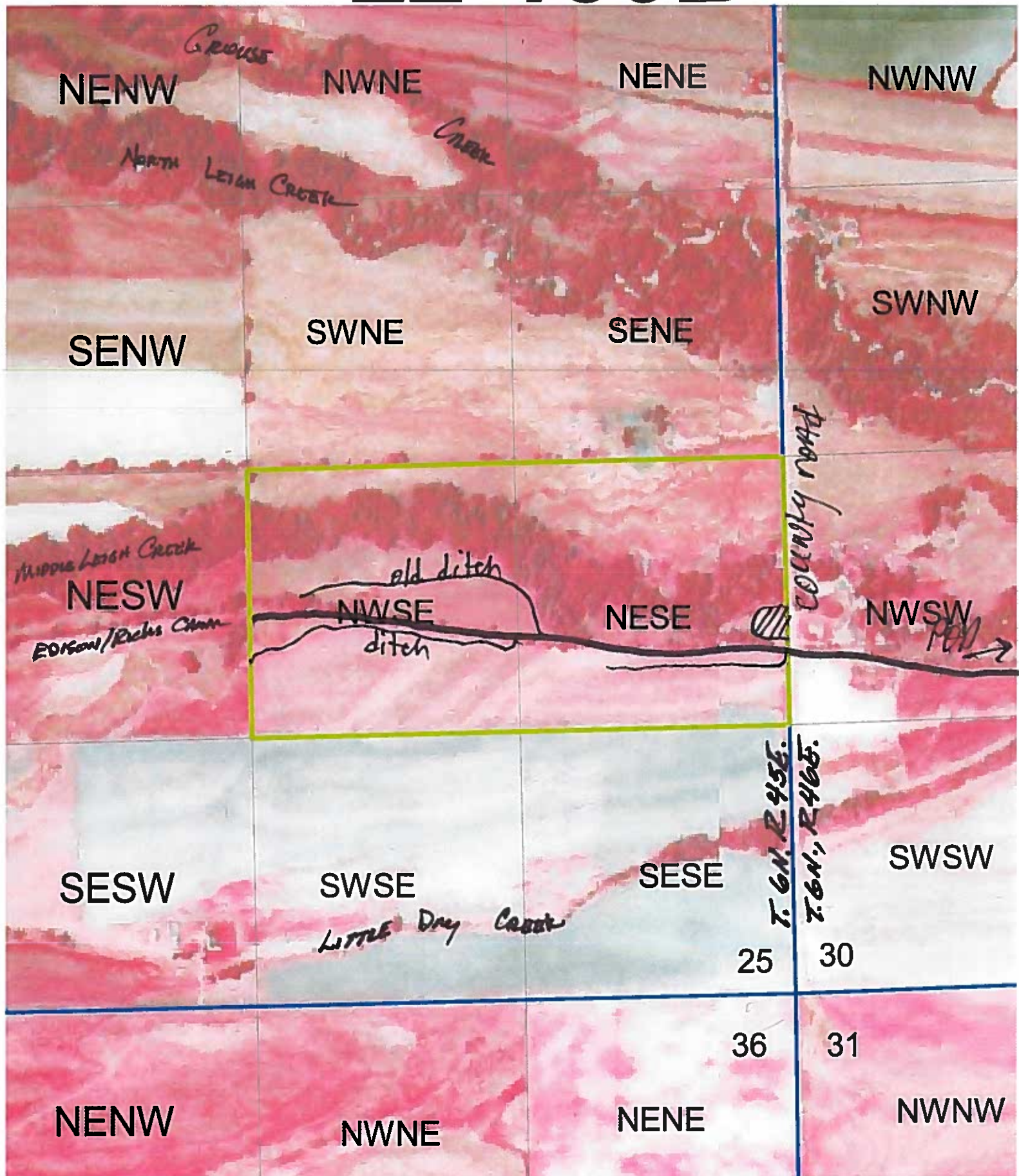
Boyd Smith Claims

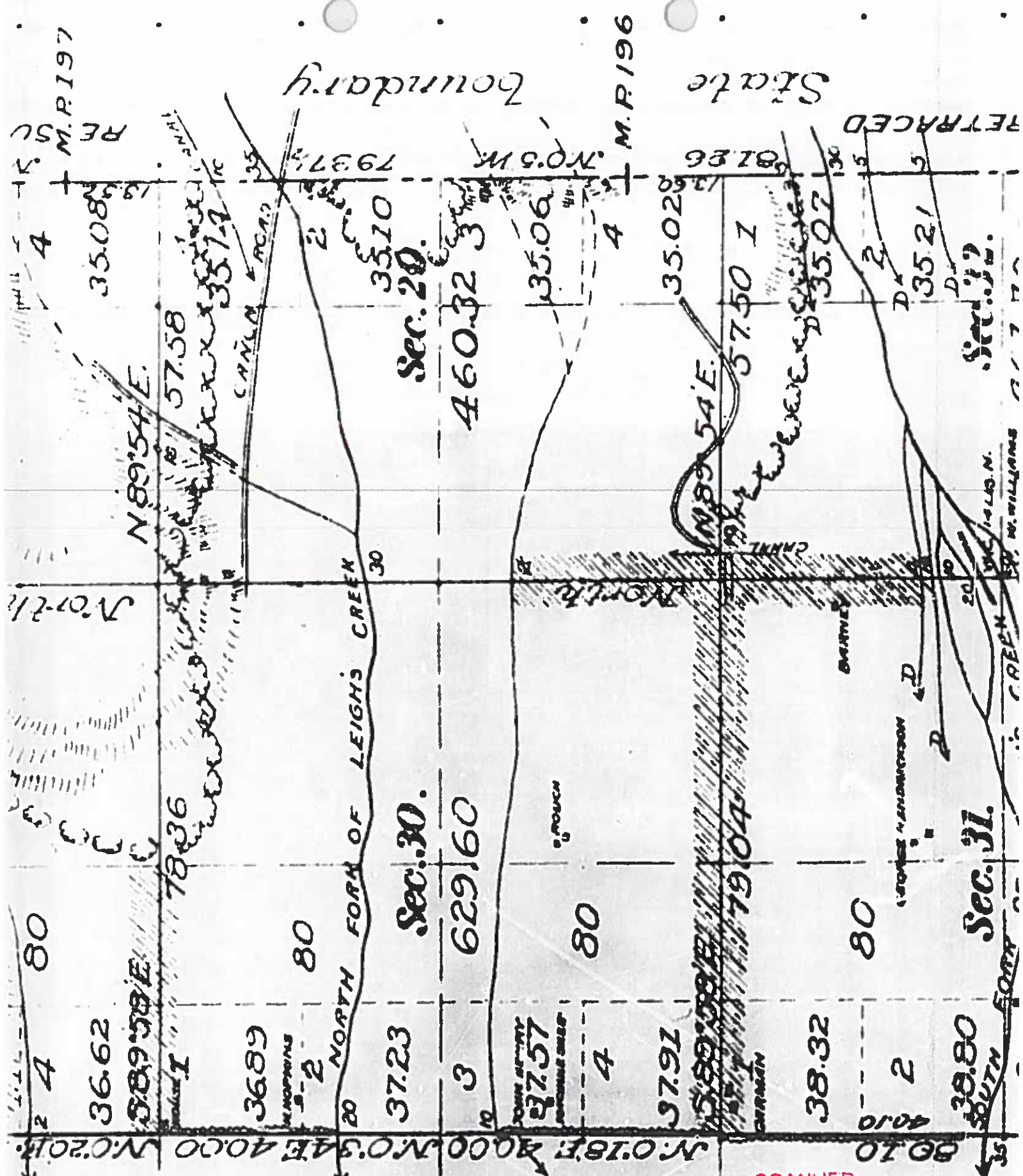
Claim #	cfs	POD	Priority
22-130B		1.2 N Leigh	1916
22-481A		0.3 N Leigh	1898
22-482A		0.9 N Leigh	1900
22-483A		0.3 N Leigh	1904
22-2029		0.71 N Leigh	1908
Total		3.41	

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22-130B

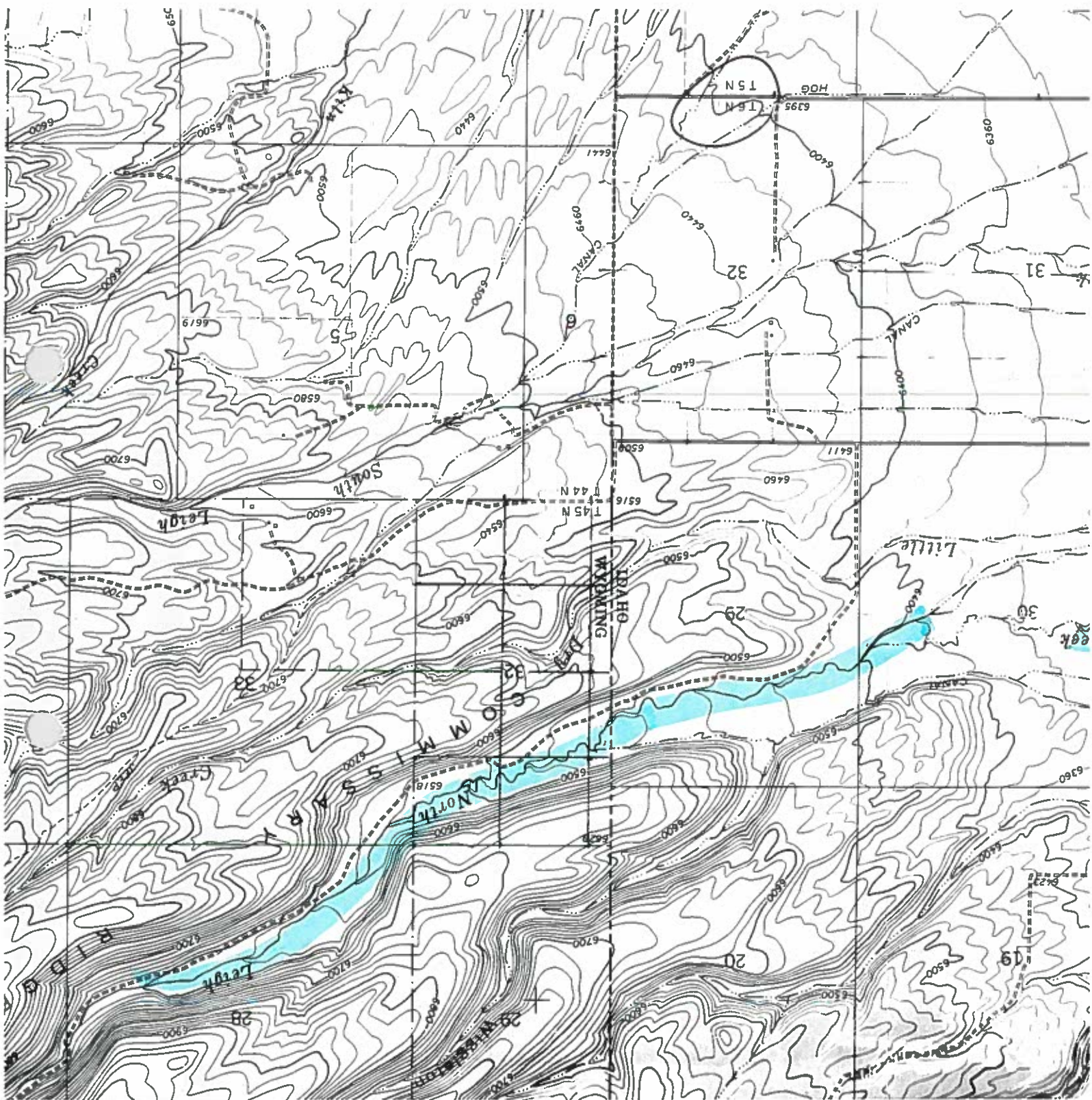




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JUN 07 2005





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

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JUN 07 2005

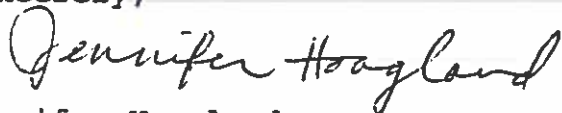
PROFILE

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,



Jennifer Hoagland
Technical Records Specialist

Enclosures

cc: Boyd C. & Jill J. Smith

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JUN 07 2005

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JUN 15 1999

HOPKINS RODEN CROCKETT HANSEN & HOOPES, PLLC
LAWYERS

SALISBURY BUILDING • 426 PARK AVENUE

P.O. BOX 51219

IDAHO FALLS, IDAHO 83405-1219

TELEPHONE (208) 523-4445

FAX (208) 523-4474

E-MAIL hrchh@srv.net

Department of Water Resources:

SEWARD H. FRENCH (1941-1984)

TED C. SPRINGER (1943-1984)

OF COUNSEL

JOHN MICHAEL BRASSEY

ORVAL HANSEN

GEORGE DENISON

REGISTERED PATENT AGENT

ROBERT A. deGROOT

802 WEST BANNOCK • SUITE 900

P.O. Box 2110

BOISE, IDAHO 83701-2110

TELEPHONE (208) 336-7930

FAX (208) 336-9154

E-MAIL roden@micron.net

8 E. STREET S.E.

WASHINGTON, D.C. 20003

TELEPHONE (202) 546-0360

FAX (202) 546-6294

E-MAIL cjp@ai.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 you 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

SEPTEMBER 17, 1996

TIMOTHY HOPKINS
PO BOX 51219
IDAHO FALLS ID 83405-1219

RE: CHANGE IN OWNERSHIP FOR TWINING AND SMITH

Dear Mr. Hopkins:

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

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

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

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

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

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

Sincerely,

Jo Thompson
Adjudication Secretary

Enclosure

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JUN 07 2005

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HOPKINS, RODEN, CROCKETT, HANSEN & HOOPES
LAWYERS

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

C. TIMOTHY HOPKINS
WILLIAM C. RODEN
GREGORY L. CROCKETT
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KATHERINE STEELE MORIARTY
JOHN R. ROWE
REED E. ANORUS
CURTIS R. SMITH
WILLIAM E. DEAN
MARK G. PANNELL*
STEVEN A. RICHARDS

*ADMITTED TO PRACTICE IN INDIANA ONLY

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

ROBERT A. deGROOT
REGISTERED PATENT AGENT

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

September 13, 1996

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SEP 16 1996

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

Department of Water Resources
Eastern Region

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

Dear Folks:

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

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

Very truly yours,


C. Timothy Hopkins

CTH/jmk
Encs.

cc: Boyd C. Smith

FILED

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JUN 07 2005

JUN 15 1993

DELCO
DC
6-22-99

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Department of Water Resources

NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP SEP 16 1996

Department of Water Resources
Eastern Region

DATE OF CLOSING: September 6, 1996

LEGAL DESCRIPTION OF PROPERTY: See attached Warranty Deed

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[x] Water Rights Number(s)
Assigned by IDWR:

A22-00487C; A22-00488; A22-00515B; ✓
A22-00516B; A22-00517B; A22-00616; ✓
A22-02029; A22-04040; A22-11544; ✓
A22-12134; A22-12135; A22-12136; ✓
A22-12137; A22-00042; A22-00043; 63 ✓
A22-00130B; A22-00130D; A22-00136C; ✓
A22-00160; A22-00312; A22-00313; ✓
A22-00481A; A22-00482A; A22-00483A; A22-00488 ✓
22-00489; 22-0028 208 ✓

[x] Name and Address of Former
Owner/Claimant(s)(Seller):

Edmund S. Twining, III, a married man dealing
with his sole and separate property and Edmund
S. Twining, III and Jane Forbes Clark, II, acting
not individually but as Trustees of the Trust
under the Will of Susan Clark Twining for
Edmund S. Twining, III, also known as the
Residuary Trust U/W of Susan C. Twining
Post Office Box 101
The Plains, Virginia 20198

[x] New Owner/Claimant
(Purchaser):

Boyd Charles Smith and Jill Johnson Smith, or
their successors, not individually but as Trustees
of The Boyd Charles Smith and Jill Johnson
Smith Trust created by that certain Trust
Agreement dated Dember 13, 1990

[x] New Mailing Address:

3201 Ash Street
Palo Alto, California 94306-2240

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JUN 07 2005

[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.)

☒ Signature of New Owner/Claimant(s)

Paul Charles Fournier 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

Gill Johnson Smith Date 8/30/96

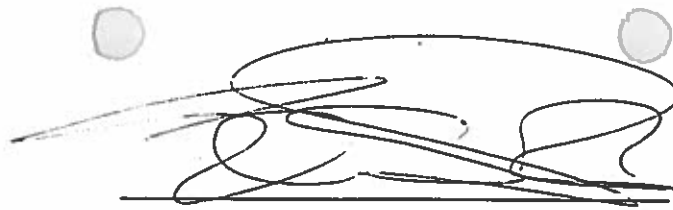
Jill Johnson Smith, and her successors,
not individually, but as Trustee of The Boyd
Charles Smith and Jill Johnson Smith Trust
created by that certain Trust Agreement dated
December 13, 1990

☒ Signature of Former
Owner/Claimant(s)


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

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JUN 07 2005



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

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JUN 07 2005

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NOV 08 1994

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

Department of Water Resources
District Office

DATE OF CLOSING: _____.

LEGAL DESCRIPTION OF PROPERTY: See description on attached
Warranty Deed

[] Served Only by a Public Service Water Supply (domestic
water is received from a city or company who maintains
water supply system, owns the water right, and bills the
customer on a regular basis)

[X] Water Right Number(s): A22-00130B, A22-00481A,
A22-00482A, A22-0483A, A22-02029
and A22-22-11544.

[X] Name and Address of Former
Owner/Claimant(s): Lawrence C. Tisdell
Curtis N. Tisdell
Charles F. Dahl
Box 427, Driggs, Idaho, 83422

[X] New Owner/Claimant(s): Edmund S. Twining, III, and
Residuary Trust U/W of Susan C.
Twining

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

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

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

If yes, then describe the portion of the water right that
is now claimed by the new owner:

PROVIDED

MICROFILMED

NOV 16 1994
SCANNED

JUN 07 2005

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

Date:

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

Date:

[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 claimant.

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Dated: By:

Final Review and Data-Entry

Dated: By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources

Copies for Former Owner and New Owner

7574m/srs

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JUN 07 2005

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

DATE OF CLOSING: _____.

LEGAL DESCRIPTION OF PROPERTY: See description on attached
Warranty Deed

[] Served Only by a Public Service Water Supply (domestic
water is received from a city or company who maintains
water supply system, owns the water right, and bills the
customer on a regular basis)

[X] Water Right Number(s): A22-00130B, A22-00481A,
A22-00482A, A22-0483A, A22-02029
and A22-22-11544.

[X] Name and Address of Former
Owner/Claimant(s): Lawrence C. Tisdal
Curtis N. Tisdal
Charles F. Dahl
Box 427, Driggs, Idaho, 83422

[X] New Owner/Claimant(s): Edmund S. Twining, III, and
Residuary Trust U/W of Susan A.
Twining

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

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

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

If yes, then describe the portion of the water right that
is now claimed by the new owner:

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JUN 07 2005

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

Edmund S. Twining, III

Date:

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

James C. Twining
Walter D. Twining

Date:

Clark Twining - Jan 22, 94

[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 claimant.

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date:

By:

Further Action Needed:

Further Action Taken

Dated:

By:

Final Review and Data-Entry

Dated:

By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources

Copies for Former Owner and New Owner

7574m/srs

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2 - NOTICE CONCERNING WATER RIGHTS FOR PROPERTY

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JUN 07 2005

RECEIVED

MAY 16 1994

TETON Co. Id.
Clerk Recorder

116106

WARRANTY DEED

THIS INDENTURE is made this 22 day of April, 1994, by **LAWRENCE C. TISDEL** and **CURTIS N. TISDEL**, as to an undivided 50% interest, and **CHARLES F. DAHL**, as to an undivided 50% interest, the Grantor, and **EDMUND S. TWINING, III**, and Residuary Trust U/W of **SUSAN C. TWINING**, whose mailing address is P.O. Box 101, Teton, Idaho, 83452, the Grantee.

WITNESSETH, that the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the Grantee's heirs and assigns forever, all of the following described property in the County of Teton, State of Idaho, to-wit:

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 a county road easement; thence South 57°09'28" West 55.56 feet along the 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 ¼ 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.

Together with any and all appurtenant easements, ditches and ditch rights, water and water rights appurtenant to the above described property, including, but not limited to, all water and water rights referred to under Claim Nos. A22-00130B, A22-00481A, A22-00482A, A22-00483A, A22-02029 and A22-11544 filed in the General Adjudication of Rights to the use of Water from the Snake River Basin Water System now pending in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, under Case No. 39576.

SCANNED
JUN 07 2005

116106

MICROFILMED
AT THE REQUEST OF
American Land
DATE May 16, 1994
BY Asa J. Drake
CLERK OF RECORDER
Nora Rigby
DEPUTY

PROFILED

Filmed _____
Indexed _____
Platted _____

SUBJECT to the following:

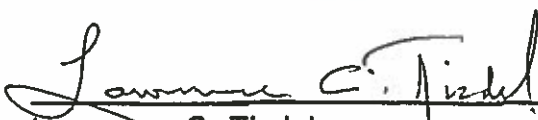
1. The effect of and conditions contained in Deed recorded March 7, 1955, in Book 77, page no. 423, as follows: Saving, excepting, and reserving however unto the Union Central Life Insurance Company, its successor and assigns, from all the above described lands, an undivided one half of the oil, gas and other hydrocarbons and minerals now or at any time hereafter situate 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, produce and use water from the said property in connection with drilling or mining operations thereon.
2. Right, title and interest of the public in and to that portion of the above described premises falling within the bounds of roads and highways, dedicated and or otherwise used by public, and subject to all easements and restrictions attendant pertinent to said highways.

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

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

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

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


Lawrence C. Tisdell

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SCANNED

JUN 07 2005

Curtis N. Tidel
Curtis N. Tidel

Charles F. Dahl
Charles F. Dahl

STATE OF COLORADO
County of JEFFERSON ss.

On the 19 day of April, in the year of 1994, before me, the undersigned, a notary public, in and for said State, personally appeared **LAWRENCE C. TIDEL** 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.



Richard A. Nelson
Notary Public for COLORADO
Residing at 7874 ARAPAHO TR. EVERGREEN
My Commission Expires: MARCH 10, 1997

MICROFILMED

NOV 06 1994
SCANNED

JUN 07 2005

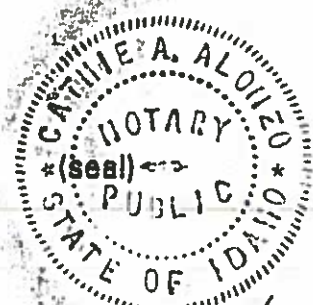
PROFILED

STATE OF Idaho)
) ss.
County of Katah)

116106

On the 21st day of April, in the year of 1994, before me, the undersigned, a notary public, in and for said State, personally appeared CURTIS N. TISDEL 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.

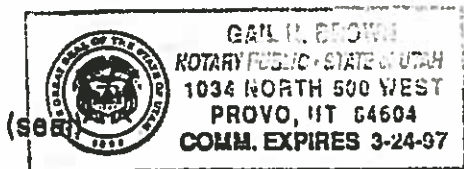


Carrie A. Alonso
Notary Public for Moscow, ID D/SUB
Residing at Moscow
My Commission Expires: 12/99

STATE OF UTAH)
) ss.
County of UTAH)

On the 22nd day of April, in the year of 1994, before me, the undersigned, a notary public, in and for said State, personally appeared CHARLES F. DAHL 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.



Gail R. Brown
Notary Public for Utah
Residing at Provo, Utah
My Commission Expires: 3/24/97

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SCANNED

JUN 07 2005

PROFILED

State of Idaho

Department of Water Resources

ASSIGNMENT OF NOTICE OF CLAIM

RECEIVED

NOV 08 1994

Department of Water Resources
Eastern District Office

The undersigned, Lawrence C. Tisdell, Curtis N. Tisdell and Charles F. Tisdell, hereby assign to Edmund S. Twining, III, and Residuary Trust U/W of Susan A. Twining of P.O. Box 101, Tetonla, Idaho, 83452.

All our right, title, and interest in and to Notice of Claim Nos.
X A22-00130B, A22-00481A, A22-00482A, A22-00483A,
A22-02029 and A22-11544

Made this 19 day of April, 1994.

Lawrence C. Tisdell
Lawrence C. Tisdell

Curtis N. Tisdell
Curtis N. Tisdell

Charles F. Dahl
Charles F. Dahl

STATE OF Colorado)
County of Jefferson) ss.

On the 19 day of April, in the year of 1994, before me, the undersigned, a notary public, in and for said State, personally appeared **LAWRENCE C. TISDELL** 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.



Richard A. Nelson

Notary Public for Colorado

Residing at 4824 Arroyo Drive, Evergreen

My Commission Expires: MARCH 1995

SCANNED

JUN 07 2005

NOV 06 1994

NOT RECORDED
MICROFILMED

STATE OF Idaho)
County of Butte) ss.

On the 21st day of April, in the year of 1994, before me, the undersigned, a notary public, in and for said State, personally appeared **CURTIS N. TISDEL** 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.



Cathie A. Alonzo
Notary Public for SUB-491
Residing at Moscow
My Commission Expires: 12/99

STATE OF UTAH)
County of UTAH) ss.

On the 22nd day of April, in the year of 1994, before me, the undersigned, a notary public, in and for said State, personally appeared **CHARLES F. DAHL** 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.



Gail N. Brown
Notary Public for Utah
Residing at Provo, Utah
My Commission Expires: 3-24-97

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JUN 07 2005

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EXHIBIT B

DESCRIPTION OF WATER RIGHTS

Attached to and forming part of that certain Warranty Deed dated July 11, 1986, between Kathleene Schrock as Grantor, and Lawrence C. Tisdell, Charles F. Dahl and Curtis N. Tisdell, as Grantees.

All of Grantor's water and water rights, ditch and ditch rights, appurtenant or otherwise related to the property described on Exhibit A hereto, whether represented by decree, license, or otherwise, including, but not limited to, the following:

1. That certain 1916 decreed water right for 1.2 c.f.s. of surface water from North Leigh Creek as appears under identification no. 22-0130 of the Department of Water Resources of the State of Idaho.
2. That certain 1898 decreed water right for .3 c.f.s. surface water from North Leigh Creek as appears under identification no. 22-0481 of the Department of Water Resources of the State of Idaho.
3. That certain 1900 decreed water right for .9 c.f.s. surface water from North Leigh Creek as appears under identification no. 22-0482 of the Department of Water Resources of the State of Idaho.
4. That certain 1904 decreed water right for .3 c.f.s. surface water from North Leigh Creek as appears under identification no. 22-0483 of the Department of Water Resources of the State of Idaho.
5. That certain license water right for .71 c.f.s. surface water from North Leigh Creek as appears under license no. 22-2029 of the Department of Water Resources of the State of Idaho.

22. 0130

VIII.

That the plaintiffs, Miles Hastings, David Hansen, and Edsell Egbert are the owners, of, or have an estate in, the following described lands, to-wit:

S $\frac{1}{2}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$ of section 25;
S $\frac{1}{2}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ of
section 26 in township 6 north, range
46 E.B.M., containing 600 acres, more
or less,

S $\frac{1}{2}$ NW, SE, N $\frac{1}{2}$ SW Sec. 25
S $\frac{1}{2}$ NE, NWNE, E $\frac{1}{2}$ NW
N $\frac{1}{2}$ SW, Sec. 26

and are the owners of a common ditch by and through which they divert water from North Leigh Creek for the irrigation of the above described lands, with point of diversion and diversion works located on the south side of North Leigh Creek in Lot 2 of section 30 in township 6 north, range 46 E.B.M.; that the said plaintiffs, or their predecessors in interest, have diverted 12 cubic feet or 600 miners inches of the waters of North Leigh Creek, through their common ditch, with point of diversion and use upon the lands above described; that on or before the 22d day of January, 1916, and ever since, have diverted, appropriated and applied to beneficial use in the irrigation of the above described lands during the irrigation season the above stated quantity or stream flow in addition

-3-

to any other rights fixed, decreed or granted to the said plaintiffs.

$$\frac{12^{\circ} \text{ cfs}}{600^{\circ} \text{ ac}} = 0.02 \text{ cfs/ac}$$

EXCERPT FROM:

HANSEN, et al vs L. CRANDALL

24 JANUARY 1938.

SCANNED
JUN 07 2005

PROFILED

NOVEMBER 9, 1994

EDMUND S TWINING III
SUSAN C TWINING
PO BOX 101
TETONIA ID 83452

RE: CHANGE IN OWNERSHIP FOR A22-00130B, -00481A, -00482A,
-00483A, -02029, & -11544

Dear Claimants:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed are typed Notices with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

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

Respectfully submitted,

Jo Thompson
Adjudication Secretary

Enclosure: Notice of Claim

cc: Charles Homer/Holden, Kidwell, Hahn & Crapo

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JUN 07 2005

PROFILED

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

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

WEST ONE BANK BLDG.
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

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

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

November 7, 1994

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

RECEIVED

NOV 08 1994

Department of Water Resources
Eastern District Office

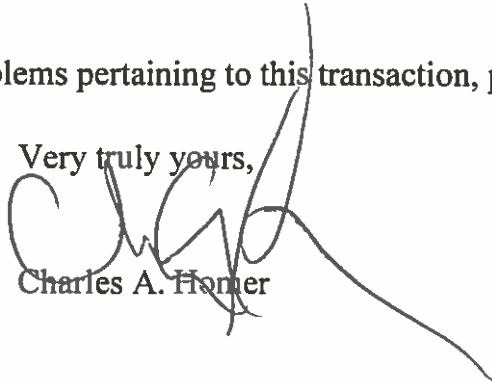
Re: Assignment of Water Rights

Gentlemen:

Our firm represents Edmund S. Twining, III, and the residuary trust under the Will of Susan C. Twining. We recently handled a real estate transaction in which our client purchased certain property owned by Lawrence C. Tisdell, Curtis N. Tisdell and Charles F. Dahl. We are enclosing for you to process an original Assignment of Notice of Claim executed by Lawrence C. Tisdell, Curtis N. Tisdell and Charles F. Dahl, together with an original "Notice Concerning Water Rights for Property" which has attached thereto a copy of the recorded Warranty Deed and also which is executed by the former owners and the new owners.

If you have any questions or problems pertaining to this transaction, please advise.

Very truly yours,


Charles A. Homer

Enclosure

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JUN 07 2005

PROFILE

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: A22-00130B
Date Received: 9/14/1988
Receipt No: E002290
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: EDMUND S TWINING_III
Address: SUSAN C TWINING
PO BOX 101
TETONIA ID

208-456-2310

83452

2. Date of Priority: JAN 22, 1916

3. Source: NORTH LEIGH CREEK

Trib. to: TETON RIVER

4. Point of Diversion:

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

5. Description of diverting works:

HEADGATE IN STREAM TO EDISON & RICKS CANAL. FLOOD IRRIGATION

6. Water is used for the following purposes:

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

7. Total Quantity Appropriated is:

1.200 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

92

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	45E	25	NE	SE		IRR	14.0
			NW	SE		IRR	32.0

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JUN 07 1985

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Date: 11/08/94

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	46.0
					Total Acres	46.0

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:

22-00481,00482,00483,2029 (NORTH LEIGH CANAL CO.)

14. Remarks:

HEADGATE, UPPER END OF EDISON & RICKS CANAL. USE THREE HEADGATES
FROM CANAL TO FLOOD IRRIGATE PLACE OF USE.
CHANGED OWNERSHIP 11/8/94/JT

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/ 3/1938

MARTELL HANSEN

Decree Plaintiff

LYNN CRANDALL, W.M.

vs

Decree Defendant

MICROFILMED

NOV 06 1994

SCANNED

JUN 07 2005

A22-00130B

Page

2

Date: 11/08/94

PROFILED

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: A22-00130B
Date Received: 9/14/1988
Receipt No: E002290
Received By: ESV

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LAWRENCE C. TISDEL
Address: P.O. BOX 427
DRIGGS, ID 83422

OR

Name: CURTIS N. TISDEL
Address: P.O. BOX 427
DRIGGS, ID 83422

OR

Name: CHARLES F. DAHL 208-456-2653
Address: P.O. BOX 427
DRIGGS, ID 83422

2. Date of Priority: JAN 22, 1916

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

4. Point of Diversion:

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

5. Description of diverting works:
HEADGATE IN STREAM TO EDISON & RICKS CANAL. FLOOD IRRIGATION

6. Water is used for the following purposes:

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

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
92

A22-00130B

Page

1

Date: 09/14/88

SCANNED
JUN 07 2005

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NOV 04 1992

A2200130B



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	45E	25	NE	SE		IRR	14.0
			NW	SE		IRR	32.0
						Section Acres	46.0
						Total Acres	46.0

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:
22-00481,00482,00483,2029 (NORTH LEIGH CANAL CO.)

14. Remarks:
HEADGATE, UPPER END OF EDISON & RICKS CANAL. USE THREE HEADGATES
FROM CANAL TO FLOOD IRRIGATE PLACE OF USE.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 1/03/1938

MARTELL HANSEN
Decree Plaintiff

vs

LYNN CRANDALL, W.M.
Decree Defendant

SCANNED
JUN 07 2005

PRO

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NOV 04 1992

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: 02

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): Lawrence C. Fiedel Date: 9/14/88
Date: _____

State of Idaho)
County of Pomeroy) SS.

Subscribed and sworn (or affirmed) before me this 14 day
of Sept 19 88

[Signature]
Notary Public

Seal

Residing at Idaho Falls, ID.
My Commission Expires 22 Aug 1994

T
G
N

POD

POD
11541

EDSON BRICKS
CANAL

R45E

A22-00130B

A22-00481A

A22-00482A

A22-00483A

SCANNEL

JUN 07 2005

PROFILES

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