

06/23/2006

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

RIGHT NUMBER: 22-136C

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
Water is delivered from Middle Leigh Creek.

QUANTITY: 1.600 CFS

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	1.600 CFS

PLACE OF USE: IRRIGATION Within TETON County

T06N R45E S25	SWSE	39.00	T06N R45E S25	SESE	37.00
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76 ACRES TOTAL

Right Nos. 22-130D, 22-136C, 22-515B, 22-516B, and 22-517B are limited to the irrigation of a combined total of 76 acres in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through Ricks Canal.

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

06/15/2005

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

RIGHT NUMBER: 22-136C

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

SOURCE: ~~MIDDLE LEIGH CREEK~~
NORTH LEIGH CREEK

TRIBUTARY: ~~SPRING CREEK~~
TRIBUTARY: SPRING CREEK

Point of injection into and point of redirection from Middle Leigh Creek.

QUANTITY: 1.600 CFS

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION:

T06N R46E S29 NWSWN Within TETON County

T06N R46E S29 NWSWN Injection Within TETON County

T06N R46E S30 ~~SENE~~ Rediversion Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

1.600 CFS

PLACE OF USE: IRRIGATION Within TETON County

T06N R45E S25

SWSE

37.0

T06N R45E S25

SESE

33.0

70 ACRES TOTAL

Right Nos. 22-130D, 22-136C, 22-515B, 22-516B, and 22-517B are limited to the irrigation of a combined total of 70 acres in a single irrigation season.

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

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

EXPLANATORY MATERIAL: Decreed

Water is delivered through Ricks Ditch.

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

This right is a split ~~from~~ former right 22-136.

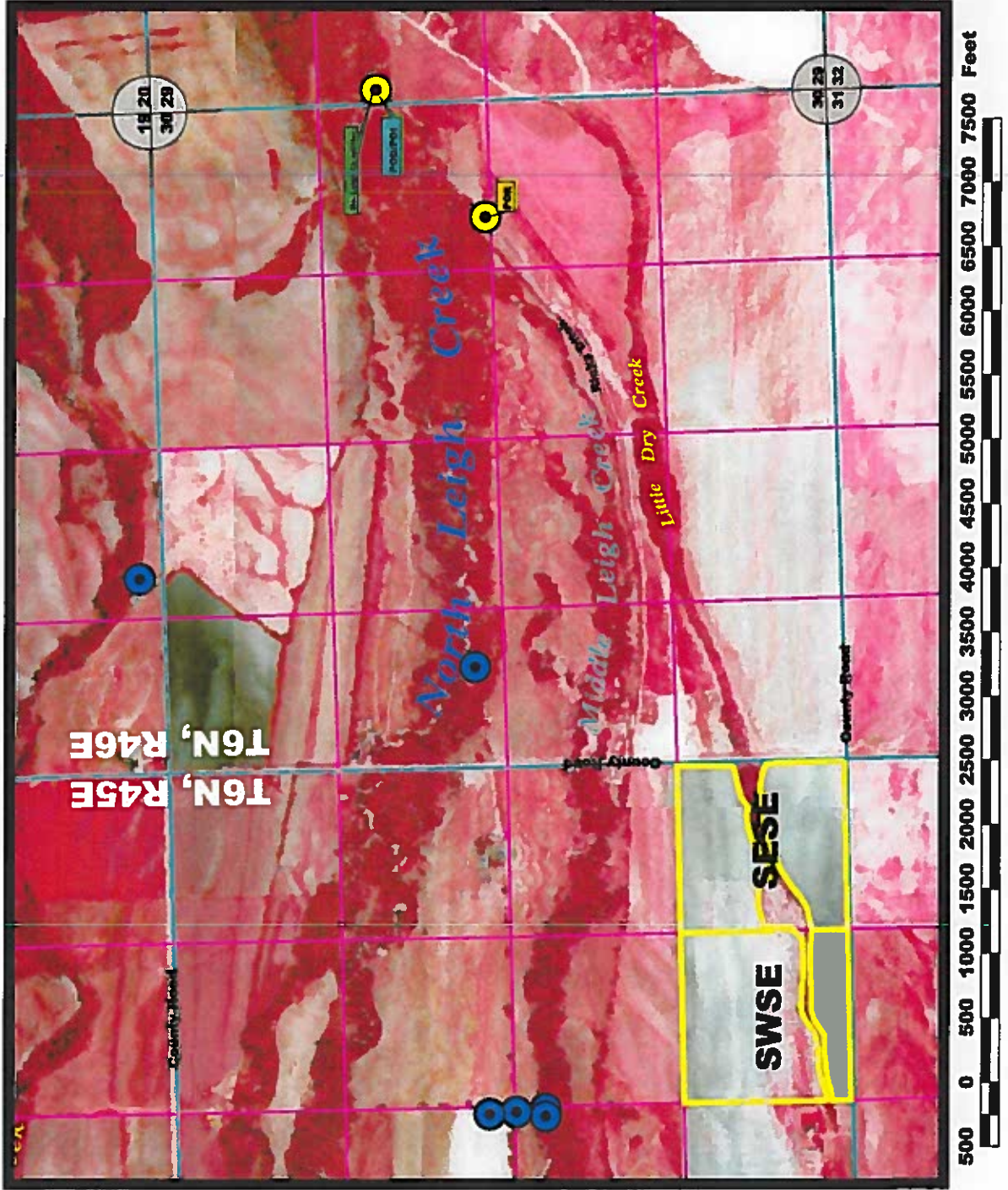
Right Nos. 22-130D, 22-136C, 22-515B, 22-516B, and 22-517B are also diverted through the points of diversion described above.



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-130D,
22-136C,
22-515B,
22-516B,
22-517B

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

Place of Use: (parts of)
T6N, R45E
Sec. 25 S2SE

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

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)**

DATE: 06/24/99
PAGE: 1

DIVERSION
VOLUME

260-00 AEA

Stage: DEFERRED

TESTON Country

5

80.0

Other Rights: A22-00515, A22-00516, A22-00517, A22-00130

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

Objection Filed Date:

Field Inspection Flag:
Presumption Flag:

Presumption Flag:



Idaho Department of Water Resources

SRBA Recommendation:

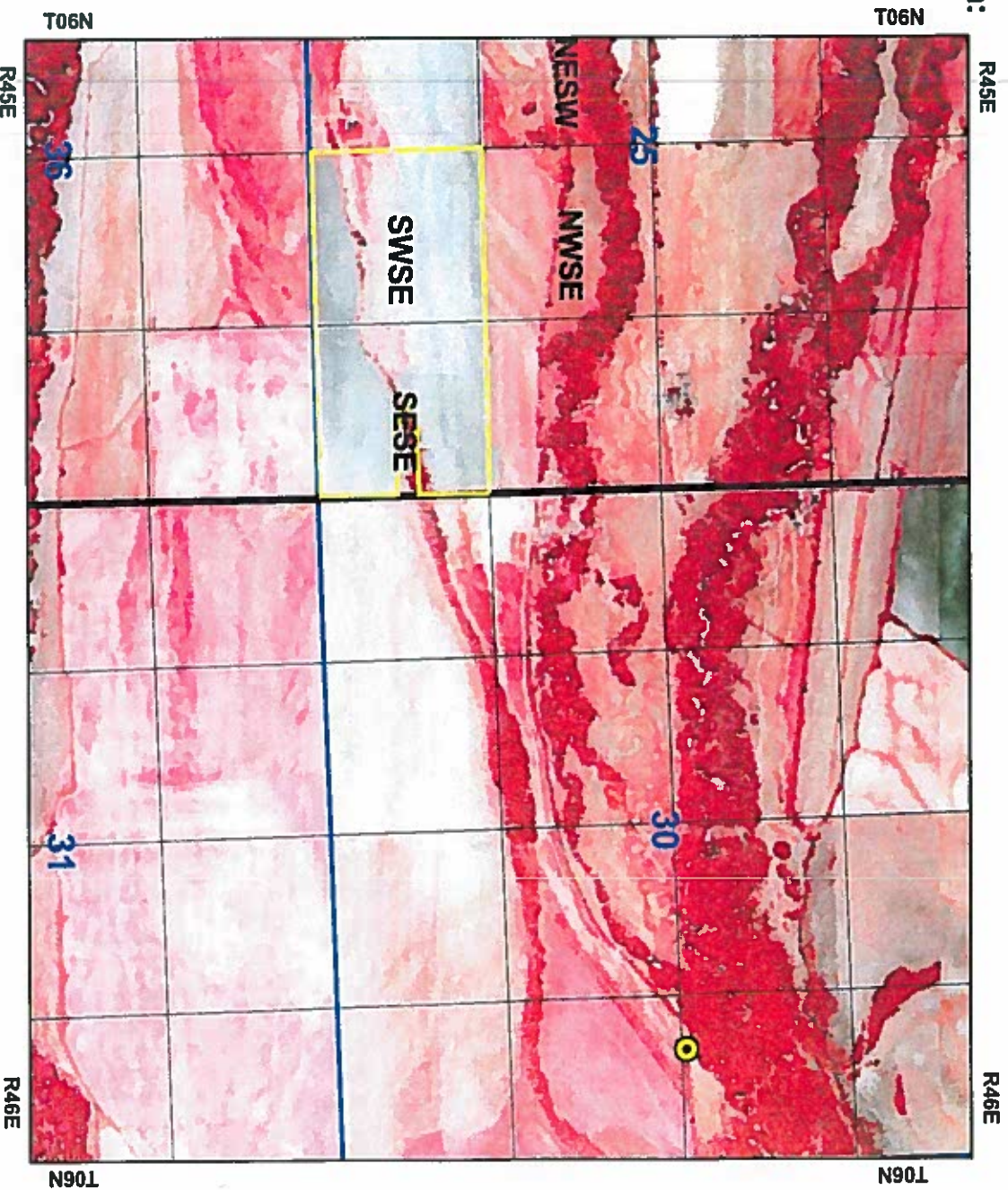
22-136C
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



Prepared by J. Crabtree
On Tuesday, November 21, 2006
1987/88 Aerial Photography



22-136C

Boyd Smith well on ranch near North
Leigh - tag on electric panel.

Non-SRBA RIGHT
22-7681

Contacts Data Entry Form

Claim Number: 22-136C

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

Current Owner: Boyd Smith Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ 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, et al vs L. CRANDALL (NM), 1938, P. XIV as:
104 cts on 520² ACRES, JANUARY 22, 1916, No. LUTON CASE: SOS Attached
DISCLOSURE REPORT AND SRBA SPLIT HISTORY.

Refer to Permit claim #2207609 - Well permit to
is also used on this ground. Non-SRBA

For: The UserOverlap 12h - 22-1300

Reviewer: _____ Date: _____

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JUN 08 2005
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Water Right Split History Analysis

DECREED UNDER:
HANSEN, et al vs L. CRANDALL
1938. P XIV.

22-136 B D. ROTH
0.80 cfs on 40° AC.

22-136 A

22-136 C B. SMITH
1.60 cfs on 80° AC

22-136 D J. BUSH
0.80 cfs on 40° AC.

22-136

10⁴ cfs on 520° AC

22 JANUARY 1916

NORTH LEIGH CREEK

$$\frac{10^4 \text{ cfs}}{520^\circ \text{ AC}} = 0.02 \text{ cfs/AC}$$

22-136 E G. HANSEN

1.60 cfs on 80° AC

MIDDLE LEIGH CREEK - ? CFS?

22-136 F A. HANSEN

2.32 cfs on 116° AC

22-136 G M. HANSEN

0.50 cfs on 18° AC. Q OVERCLAIMED / AC UNDERCLAIMED?

22-136 H R. BEARD

0.30 cfs on 11° AC. Q OVERCLAIMED / AC UNDERCLAIMED?

Reviewer: _____

Date: _____

UNCLAIMED

≈ 2.48 cfs AND 135° AC

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Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 1/22/1916 Claimed Basis: DECRETERecommended Priority Date: 1/22/1916 Recommended Basis: DECRETE☐ 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 DECRETE

Reviewer: _____

Date: _____

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Water Right No(s). _____

[Empty box for drawing or notes]

GPS DATA: Edison/Ricks Canal middle Leigh Creek, also
Tag # AOP/2279 Location: Headgate well Pump AOP/3886 Electric panel

Diversion Data:
Source: Middle Leigh Creek Trib to: Teton River

MOTOR
Make: US Motors Model: 53184 Hp: 60
SN: E02-53184-M C6

PUMP Waters Land
Make: Roller Co Model: Disch: 8" mainline
SN:

NOTES:
Headgate already tagged by Allen Ruberry.
Weaver Ditch has been abandoned. In addition to Edison/Ricks
canal new PDD is a pump in Middle Leigh.

Field Exam Date: 8/16/04 Agent: RD

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Well
tag
AOP/3884
in electric
panel
Well
Permit
Claim
92207609

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, SE, NE, County: TetonSource: North Lough 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>45E</u>	<u>30</u>		<u>NW NE SE</u>	<u>Teton</u>	<u>No Lough Cr</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>1</u>	<u>Teton</u>	<u>No Lough Cr</u>	<u>Spring Cr</u>

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

POD CLAIMED IN ERROR AS R45E SEC. 30 - THAT'S SIX MILES WEST
(DOWNSTREAM) - SHOULD BE R46E

* VERIFY POD LOCATION & CONVEYANCE

* CONVEYANCE SYSTEM - NO. LOUGH CR TO WEAVER DITCH TO LITTLE DRY CR
CHANNEL

Q: REDIVERSION DIRECTLY FROM LITTLE DRY CR? INJURY TO
OTHER LITTLE DRY CR R+ HOLDERS?

8/16/04 Currently this land is irrigated by a well, pump
and sprinklers. Weaver ditch has been abandoned.
The ditches off Edison Ricks diversion that used to
irrigate this ground have been filled in.

Reviewer: _____ Date: _____

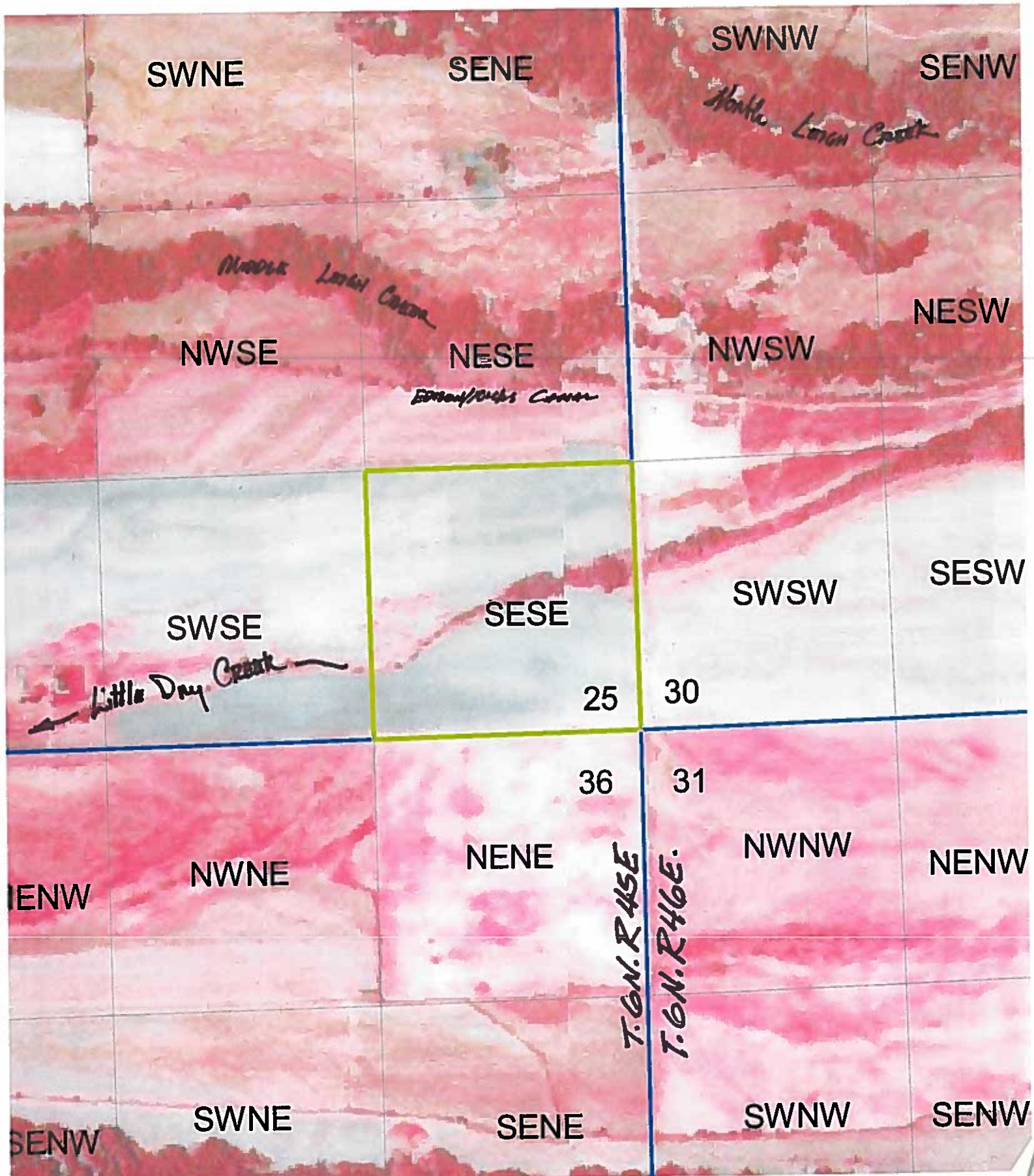
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JUN 08 2005

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22-130D

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JUN 08 2005



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:

OVERLAP OF OTHER RIGHTS?8/16/04
DO

Field exam showed that land is irrigated with well, pump and sprinklers. Currently, there is no flood irrigation for this claim. The Weaver ditch has been abandoned because it was impossible to maintain. Edison/Ricks Canal is used to deliver water to other users.

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
PERUG	4/15	10/15	1.60	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Prug	4/15	10/31	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

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

SOLL NOT DURING BY DUESS - CLAIMS 10/15 - DEPT SOH
STO 12 10/31 → SO RECOMMENDED.

Reviewer: _____

Date: _____

FILED

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JUN 08 2005

point of diversion as set out in paragraph 13, and has continued use of said will and the inhabitants thereof, and has continually used said quantity of water during each irrigating season since said date.

XIV.

22-0136

That the plaintiffs, Miles Hastings, David Hansen, William Hansen, Alfred Hansen, Glenn Peterson and Lillie M. Hansen, are the owners of, or have an estate in, the following described lands, to-wit:

-6-

SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$	Sec. 26	SE $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$ of section 26 in township
S $\frac{1}{2}$ S $\frac{1}{2}$	Sec. 25	6 north, range 45 E.B.M.; S $\frac{1}{2}$ S $\frac{1}{2}$ of section
N $\frac{1}{2}$ NE	Sec. 34	25; N $\frac{1}{2}$ NE $\frac{1}{4}$ of section 34; NW $\frac{1}{4}$ NW $\frac{1}{4}$ of section
NW $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 35	35, all in township 6 north, range 45 E.B.M.,
		containing 520 acres of land more or less,

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 the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 30 in township 6 north, range 46 E.B.M.; that the plaintiffs, or their predecessors in interest, have diverted 10.4 cubic feet or 520 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 and ever since the 22d day of January, 1916, have diverted, appropriated and applied to beneficial use in the irrigation of the above described lands during the irrigating season the above stated quantity or stream flow in addition to any other rights fixed, decreed or granted to the said plaintiffs.

$$\frac{10.4 \text{ cfs}}{520 \text{ ac}} = 0.02 \text{ cfs/ac}$$

EXCERPT FROM:
HANSEN, et al vs L. CRANDALL
1938

22-0137

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XV.

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

SW $\frac{1}{4}$ NE $\frac{1}{4}$ of section 27 in township 6 north, range 45 E.B.M., containing 40 acres, more or less,

ditch by and through which he diverts water



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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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 08 2005

RECEIVED

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 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 cipr@aol.com

C. TIMOTHY HOPKINS
WILLIAM C. RODEN
GREGORY L. CROCKETT
JOHN D. HANSEN
D. FREDRICK HOOPES
LARRY 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.

SCANNED

JUN 08 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 08 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

SCANNED

JUN 08 2005

HOPKINS, RODEN, CROCKETT, HANSEN & HOOPES
LAWYERS

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P.O. BOX 51219
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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

RECEIVED

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

SCANNED

JUN 08 2005

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

[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)

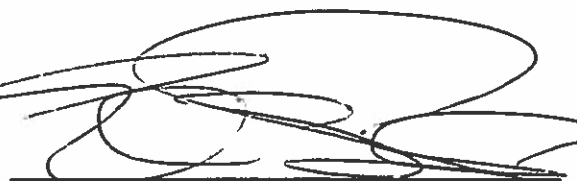
 Date 30 Aug 96

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

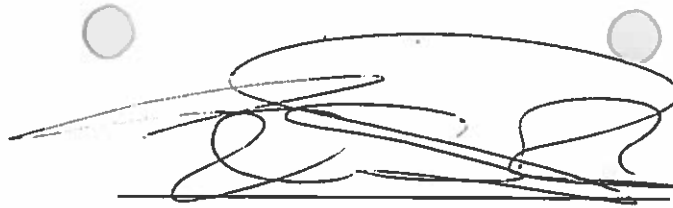
 Date 8/30/96

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)

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

SCANNED
JUN 08 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



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

DECEMBER 16, 1992

CHARLES A HOMER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 51030
IDAHO FALLS ID 83405

RE: CHANGE IN OWNERSHIP FOR A22-00515, 00516, 00517,
0011098 (RENUMBERED TO 00136) AND 11099 (RENUMBERED TO
00130 (EDMUND TWINING III))

Dear Mr. Homer:

The request for Change in Ownership concerning your client's Notices of Claim in the above reference has been processed and the Notices modified to reflect your client as the new owner for a portion of the rights.

A22-00136 was split as follows: To Edmund Twining III, A22-00136C, 1.60 cfs on 80 acres; to Donald Harlander, A22-00136B, 0.80 cfs on 40 acres.

A22-00515 was split as follows: To Edmund Twining III, A22-00515B, 0.60 cfs on 80 acres; to Donald Harlander, A22-00515A, 0.30 cfs on 40 acres.

A22-00130 was split as follows: To Edmund Twining III, A22-00130D, 0.80 cfs on 40 acres; to James Bush, A22-00130E, 0.80 cfs on 40 acres.

A22-00517 was split as follows: To Edmund Twining III, A22-00517B, 0.60 cfs on 80 acres; to Donald Harlander, 0.30 cfs on 40 acres.

A22-00516 was split as follows: To Edmund Twining III, A22-00516B, 0.40 cfs on 80 acres; to Donald Harlander, A22-00516A, 0.20 cfs on 40 acres.

Review the enclosed forms and if there are other corrections or questions, feel free to contact this office.

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APR 08 1994

Charles A Homer
Page - 2 -

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

Respectfully submitted,

for *Ja Thompson*
Dave Carlson
Water Right Agent, Adjudications

DC:jt

Enclosure: Copies Twining's Notices

cc: Donald C Harlander/Change Ownership Letter
Copies of Notices of Claim

File: P

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JUN 08 2005

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RECEIVED

OCT 22 1992

State of Idaho

Department of Water Resources

Department of Water Resources
Eastern District Office

ASSIGNMENT OF NOTICE OF CLAIM

DONALD C. HARLANDER and MARY LOU HARLANDER, husband and wife, hereby assign to EDMUND S. TWINING, III, acting both individually and as Personal Representative of the estate of Susan Twining, of P. O. Box 101, Driggs, Idaho 83422:

The following described portion of our right, title, and interest in and to Notice of Claim No. A22-11098 to 136 Crlc a Water Right Acquired Under State Law. *North Leigh remembered to A22-00136*

This is a partial transfer and there is only being transferred the water rights which are appurtenant to the following described property:

SW1/4 SE1/4 and SE1/4 SE1/4 of Section 25, Township 6 North, Range 45 E.B.M.

Pursuant to this transfer 1.6 cfs of the total amount of 3.2 cfs shown on the above referred to claim is being transferred.

Made this 20 day of October, 1992.

Donald C. Harlander
Donald C. Harlander
Mary Lou Harlander
Mary Lou Harlander

STATE OF IDAHO)
County of Bonneville) ss.

On this 20th day of October, 1992, personally appeared before me the signers of the above instrument, who duly acknowledged to me that they executed the same.

NOTARY PUBLIC
CHARLES A. HOMER
Residing at Idaho Falls, Idaho
My Commission Expires
December 6, 1992
STATE OF IDAHO

Notary Public *Chas A. Homer*
Residing at Idaho Falls, ID
My Commission Expires 12/6/92

SCANNED

CAH/28071(5)/rfs
#5494

JUN 08 2005

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APR 08 1994

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

DATE OF CLOSING: October 20, 1992.

LEGAL DESCRIPTION OF PROPERTY: See Description on attached 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: A22-11098- remembered to A22-00136

[X] Name and Address of Former Owner/Claimant(s): Donald C. & Mary Lou Harlander
P. O. Box 8
Driggs, Idaho 83422

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

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

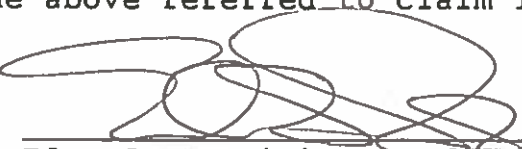
[X] Does the change in ownership result in a splitting of the water right claimed? X yes no

This is a partial transfer and there is only being transferred the water rights which are appurtenant to the following described property:

SW1/4 SE1/4 and SE1/4 SE1/4 of Section 25, Township 6 North, Range 45 E.B.M. in Teton County, Idaho.

Pursuant to this transfer 1.6 cfs of the total amount of 3.2 cfs shown on the above referred to claim is being transferred.

[X] Signature of New Owner/Claimant:


Edmund S. Twining, III, acting both individually and as Personal Representative of the estate of Susan Twining

Date: 10/20/92

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JUN 08 2005

MICROFILMED

APR 08 1994

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

Donald C. Harlander
Donald C. Harlander

Mary Lou Harlander
Mary Lou Harlander

Date:

10/20/02

[X] Attach proof of
ownership, describe
proof attached:

(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

CAH/28081(5)/rfs
#5494

WARRANTY DEED

THIS INDENTURE is made this 20th day of October, 1992, by DONALD C. HARLANDER and MARY LOU HARLANDER, husband and wife, the Grantor, and EDMUND S. TWINING, III, a single man, acting individually as to an undivided 50% interest, and Edmund S. Twining III, acting as Personal Representative of the estate of Susan Twining as to an undivided 50% interest, whose mailing address is P. O. Box 101, Tetonia, 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:

The South Half of the Southeast Quarter of Section 25, Township 6 North, Range 45 East Boise Meridian, together with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom, including but not limited to all of the water rights which are appurtenant to such property and which are referred to under the following Claim Numbers which have been filed with the Idaho Department of Water Resources pertaining to the pending Snake River Basin Adjudication: 22-07609, A22-00516, A22-00515, A22-00517, A22-11098 and A22-11099.

SUBJECT TO THE FOLLOWING:

1. All governmental regulations and zoning ordinances affecting such Property.
2. Agreement to purchase power, between Don and Mary Lou Harlander as "Consumer", and Fall River Rural Electric Cooperative, Inc. as "Seller", recorded November 7, 1985, recorder's number 97780, official records of Teton County, Idaho.
3. Also, such property is transferred subject to the following restrictive covenants which shall be for the

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JUN 08 2005

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APR 08 1994

benefit of the adjoining South Half of the Southwest Quarter of Section 25, Township 6 North, Range 45 East, Boise Meridian, which is owned by Grantor:

1. The Property may not be subdivided into more than two parcels.
2. Buildings, permanent or temporary, shall be set back a minimum of 450 feet from the South boundary line of the Property. No vehicular parking area or vehicular driveways or roadways shall be permitted within 450 feet from the South boundary line of the Property.

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.

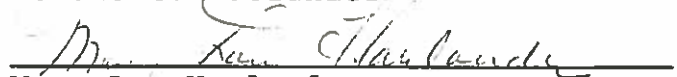
TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the Grantee's heirs and assigns, against the Grantor 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.



Donald C. Harlander

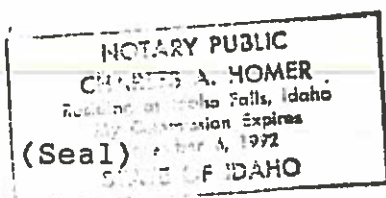


Mary Lou Harlander

STATE OF IDAHO)
)ss.
County of Bonneville)

On this 20th day of October, in the year 1992, before me, the undersigned Notary Public in and for said state, personally appeared DONALD C. HARLANDER and MARY LOU HARLANDER, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me they 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 12/6/92

CAH/10501/rfs
#5494

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

DATE OF CLOSING: October 20, 1992.

LEGAL DESCRIPTION OF PROPERTY: See Description on attached 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: ~~A22-11098~~ *renumbered to A22-00136*

[X] Name and Address of Former Owner/Claimant(s): Donald C. & Mary Lou Harlander
P. O. Box 8
Driggs, Idaho 83422

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

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

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

This is a partial transfer and there is only being transferred the water rights which are appurtenant to the following described property:

SW1/4 SE1/4 and SE1/4 SE1/4 of Section 25, Township 6 North, Range 45 E.B.M. in Teton County, Idaho.

Pursuant to this transfer 1.6 cfs of the total amount of 3.2 cfs shown on the above referred to claim is being transferred.

[X] Signature of New Owner/Claimant:


Edmund S. Twining, III, acting both individually and as Personal Representative of the estate of Susan Twining

Date:

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JUN 08 2005

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

Donald C. Harlander
Donald C. Harlander

Mary Lou Harlander
Mary Lou Harlander

Date:

10/20/92

[X] Attach proof of
ownership, describe
proof attached:

(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

CAH/28081(5)/rfs
#5494

WARRANTY DEED

THIS INDENTURE is made this 20th day of October, 1992, by DONALD C. HARLANDER and MARY LOU HARLANDER, husband and wife, the Grantor, and EDMUND S. TWINING, III, a single man, acting individually as to an undivided 50% interest, and Edmund S. Twining III, acting as Personal Representative of the estate of Susan Twining as to an undivided 50% interest, whose mailing address is P. O. Box 101, Tetonia, 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:

The South Half of the Southeast Quarter of Section 25, Township 6 North, Range 45 East Boise Meridian, together with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom, including but not limited to all of the water rights which are appurtenant to such property and which are referred to under the following Claim Numbers which have been filed with the Idaho Department of Water Resources pertaining to the pending Snake River Basin Adjudication: 22-07609, A22-00516, A22-00515, A22-00517, A22-11098 and A22-11099.

SUBJECT TO THE FOLLOWING:

1. All governmental regulations and zoning ordinances affecting such Property.
2. Agreement to purchase power, between Don and Mary Lou Harlander as "Consumer", and Fall River Rural Electric Cooperative, Inc. as "Seller", recorded November 7, 1985, recorder's number 97780, official records of Teton County, Idaho.
3. Also, such property is transferred subject to the following restrictive covenants which shall be for the

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JUN 08 2005

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APR 08 1994

benefit of the adjoining South Half of the Southwest Quarter of Section 25, Township 6 North, Range 45 East, Boise Meridian, which is owned by Grantor:

1. The Property may not be subdivided into more than two parcels.

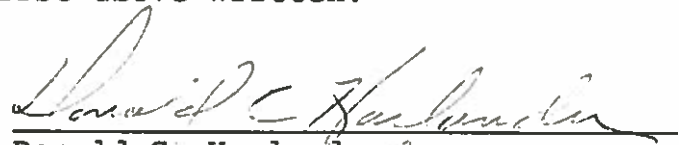
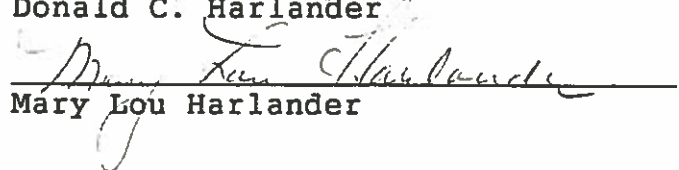
2. Buildings, permanent or temporary, shall be set back a minimum of 450 feet from the South boundary line of the Property. No vehicular parking area or vehicular driveways or roadways shall be permitted within 450 feet from the South boundary line of the Property.

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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.

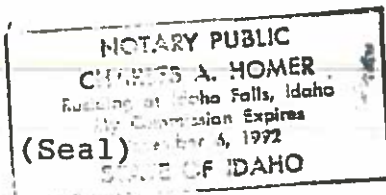
IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.


Donald C. Harlander

Mary Lou Harlander

STATE OF IDAHO)
) ss.
County of Bonneville)

On this 20th day of October, in the year 1992, before me, the undersigned Notary Public in and for said state, personally appeared DONALD C. HARLANDER and MARY LOU HARLANDER, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me they 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.



Chen

Notary Public for Idaho
Residing at 1414 N. 1st St.
My commission expires 12/6/92

CAH/10501/rfs
#5494

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: A22-00136C
Date Received: 10/ 5/1988
Receipt No: X777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EDMUND S TWINING III 208-456-2310
Address: PO BOX 101
TETONIA ID 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 of	Lot	County
06N	45E	30	NW	NE	SE		TETON

5. Description of diverting works:
HEADGATE/DITCH

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 240.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06N	45E	25	SW	SE		IRR	40.0
			SE	SE		IRR	40.0

Section Acres 80.0

A22-00136C

SCANNED
JUN 08 2005

Page 1

Date: 11/10/92

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10. Place of Use: Continued

Total Acres 80.0

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:

A22-00515, A22-00516, A22-00517, A22-00130

14. Remarks:

THIS CLAIM IS FOR A PORTION OF DECREED RIGHT 22-0136.
WATER IS DIVERTED INTO WEAVER DITCH TO LITTLE DRY CREEK WHICH IS
USED AS A NATURAL CARRIER TO THE PLACE OF USE AND DIVERTED BY
TEMPORARY DAMS. WATER IS ALSO DIVERTED FROM HEADGATE ON RICKS
CANAL IN THE SENESE OF SEC. 25, T6N, R45E.
PAID #E002913

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

SCANNED

A22-00136C

JUN 08 2005

Page

2

Date: 11/10/92

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APR 08 1994