

09/28/2006

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

RIGHT NUMBER: 22-380B

NAME AND ADDRESS: MITCHELL SMAELLIE  
PO BOX 165  
TETONIA ID 83452

SOURCE: SPRING CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.070 CFS

PRIORITY DATE: 06/01/1896

POINT OF DIVERSION:

T06N R45E S33 NWSWNE Within TETON County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.070 CFS

PLACE OF USE: IRRIGATION Within TETON County

T06N R45E S28 SWSW 3.50

3.5 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through Tetonia Canal

01/12/2005

IDAHO DEPARTMENT OF WATER RESOURCES  
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EXPLANATORY MATERIAL: DECREE

Tetonia Canal

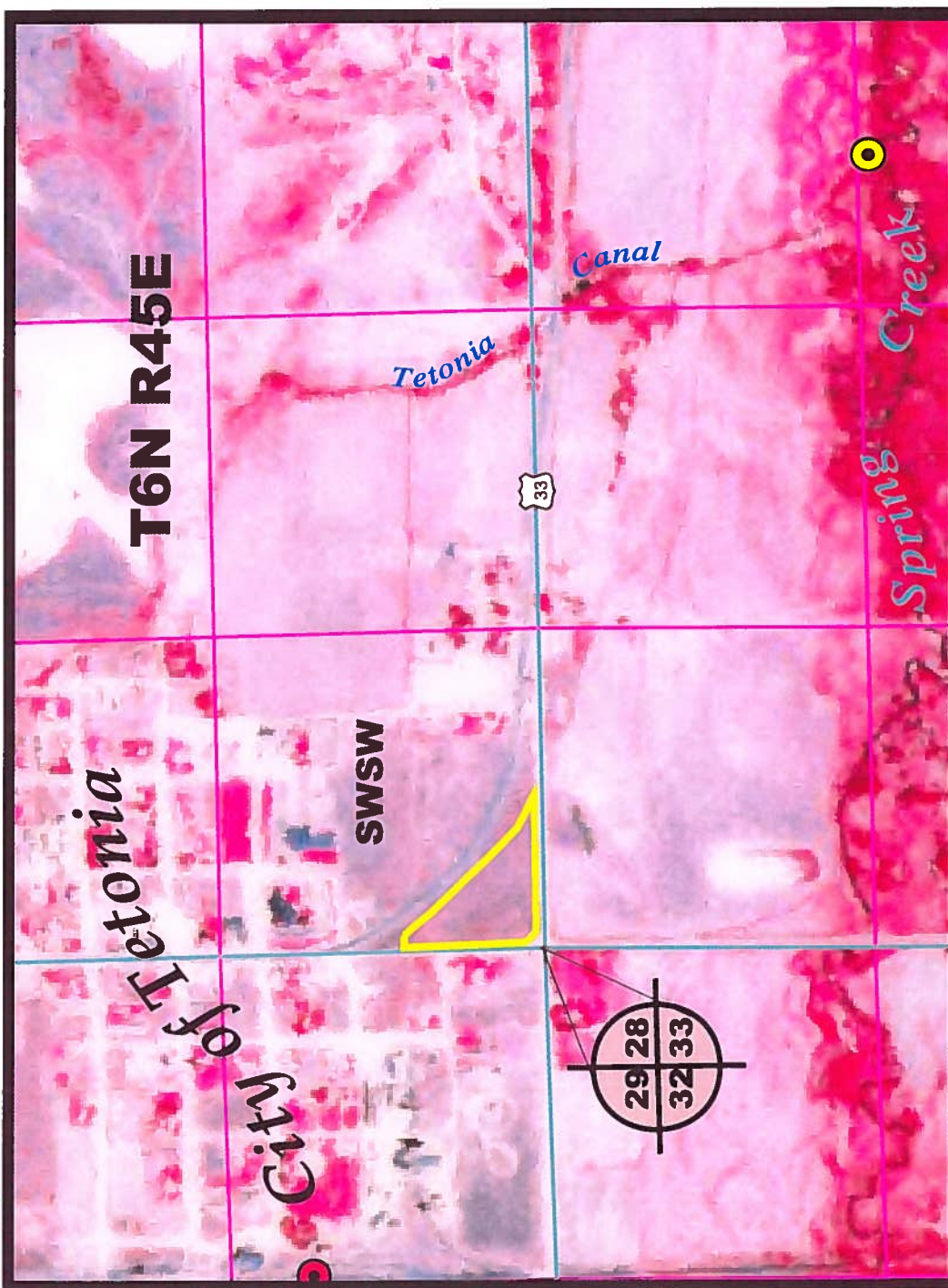


# State of Idaho

Department of Water Resources

Eastern Region

SCANNED  
MAY 05 2005



**Water Right(s):**  
**22-00380B**

**Point(s) of Diversion:**  
T6N, R45E  
Sec. 33 NWSWNE

**Place of Use: (part of)**  
T6N, R45E  
Sec. 28 SWSW

**Delivered through Tetonia Canal.**

## 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: January 2005



01/12/2005

**NOTICE OF ERROR  
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:**

Water right number: 22-380B

MITCHELL SMAELLIE

PO BOX 165

TETONIA ID 83452

Telephone Number: (208) 456-2901

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

6/13/2005

SIGNATURE:

*Mitchell Smaellie*

Please print your name:

Mitchell Smaellie

IDWR Regional Office,

SCANNED  
JUN 21 2005

RECEIVED  
JUN 20 2005

Department of Water Resources  
Eastern Region

PROFILED

KMS  
6/21

## Contacts Data Entry Form

Claim Number: \_\_\_\_\_

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

Current Owner: \_\_\_\_\_ 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: \_\_\_\_\_

C/O to Mitch Smalley

Discussion of right origin and split history. Questions and problems.DECEASED UNDER TOLBARK vs TETON, 1910 AS: #143 TO  
JOHN LATHAM, JUNE 1, 1896, SPRING CR. 155"

SRBA SPLITS CLAIMED AS:

22-380A, 0.36, DELVAND HIBBERT - DISALLOWED

22-380B, 0.07, M. Smalley (11 BEARD)

0.43 cfs - UNDER CLAIMOR

WR Data Base shows 22-380 AS 3.10 cfs

\* SEE 22-11579, City of TETONIA

C/O RECD TO MITCH SMALLEY - GIVE DOCS 7/13/04  
C/O RECD7/13/04 FE: Visited w/ Mitch Smalley to DO C/O. Visited POD/POW  
CONVEYANCE THROUGH TETONIA CANAL

Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

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**Claim Number:** \_\_\_\_\_

Water Right Priority Date:                      Water Right Basis:                     

Claimed Priority Date: 6/01/89 Claimed Basis: USP

Recommended Priority Date: \_\_\_\_\_ Recommended Basis: \_\_\_\_\_

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

## MATCHES DONE

Reviewer: \_\_\_\_\_

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MAY 05 2005

Date: \_\_\_\_\_

# PROFILES

## Point of Diversion and Source Data Entry Form

Claim Number: \_\_\_\_\_

Water Right Point(s) of diversion and Source.

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

Source: \_\_\_\_\_ 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 |
|-----|-----|-----|---------|----------------|--------|--------|--------------|
|     |     |     |         | S W N W N E    |        |        |              |
|     |     |     |         |                |        |        |              |
|     |     |     |         |                |        |        |              |

Recommended Point(s) of Diversion and Source.

| Twp | Rge | Sec | Gov Lot | QQQ of QQ of Q | County | Source    | Tributary to |
|-----|-----|-----|---------|----------------|--------|-----------|--------------|
| 6N  | 45E | 33  |         | N W S W N E    |        | Spring Cr | Teton River  |
|     |     |     |         |                |        |           |              |
|     |     |     |         |                |        |           |              |
|     |     |     |         |                |        |           |              |

Other rights from this POD? \_\_\_\_\_

Transfers Pending or approved: \_\_\_\_\_

Document how the POD and Source were verified:

GPS puts POD as Recommended  
POD NOT SPEC. BY DECREE OR TX #226.

Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

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MAY 05 2005

PROFILE

## 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 |
|-----|-----|-----|----|------|--------|---------|-------|----------------|
| 10N | 45E | 28  |    | SWSW |        |         | 35    |                |
|     |     |     |    |      |        |         |       |                |
|     |     |     |    |      |        |         |       |                |
|     |     |     |    |      |        |         |       |                |
|     |     |     |    |      |        |         |       |                |
|     |     |     |    |      |        |         |       |                |
|     |     |     |    |      |        |         |       |                |
|     |     |     |    |      |        |         |       |                |

Total acres 35Pending or approved Transfers: TX #226 19 NOV 1918.

Overlapping rights: \_\_\_\_\_

## Document how the POU was verified:

TX Puts Pool in SWSW - SINCE LANDS SUBDIV.  
ROADS, Bldgs

Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

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MAY 05 2005

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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 |
|-----------|-------|-------|-------|--------|
| _____     | 4/15  | 10/15 | 0.07  | _____  |
| _____     | _____ | _____ | _____ | _____  |
| _____     | _____ | _____ | _____ | _____  |

Overall Diversion Rate \_\_\_\_\_ Overall Diversion Volume \_\_\_\_\_

Recommended Period of Use and Diversion Rate

| Water Use | Start | End   | Rate  | Volume |
|-----------|-------|-------|-------|--------|
| Range     | 4/15  | 10/31 | 0.07  | _____  |
| _____     | _____ | _____ | _____ | _____  |
| _____     | _____ | _____ | _____ | _____  |

Overall Diversion Rate \_\_\_\_\_ Overall Diversion Volume \_\_\_\_\_

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

See to Dept Std. 4/15 to 10/31

Reviewer: \_\_\_\_\_

SCANNED

Date: \_\_\_\_\_

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MAY 05 2005

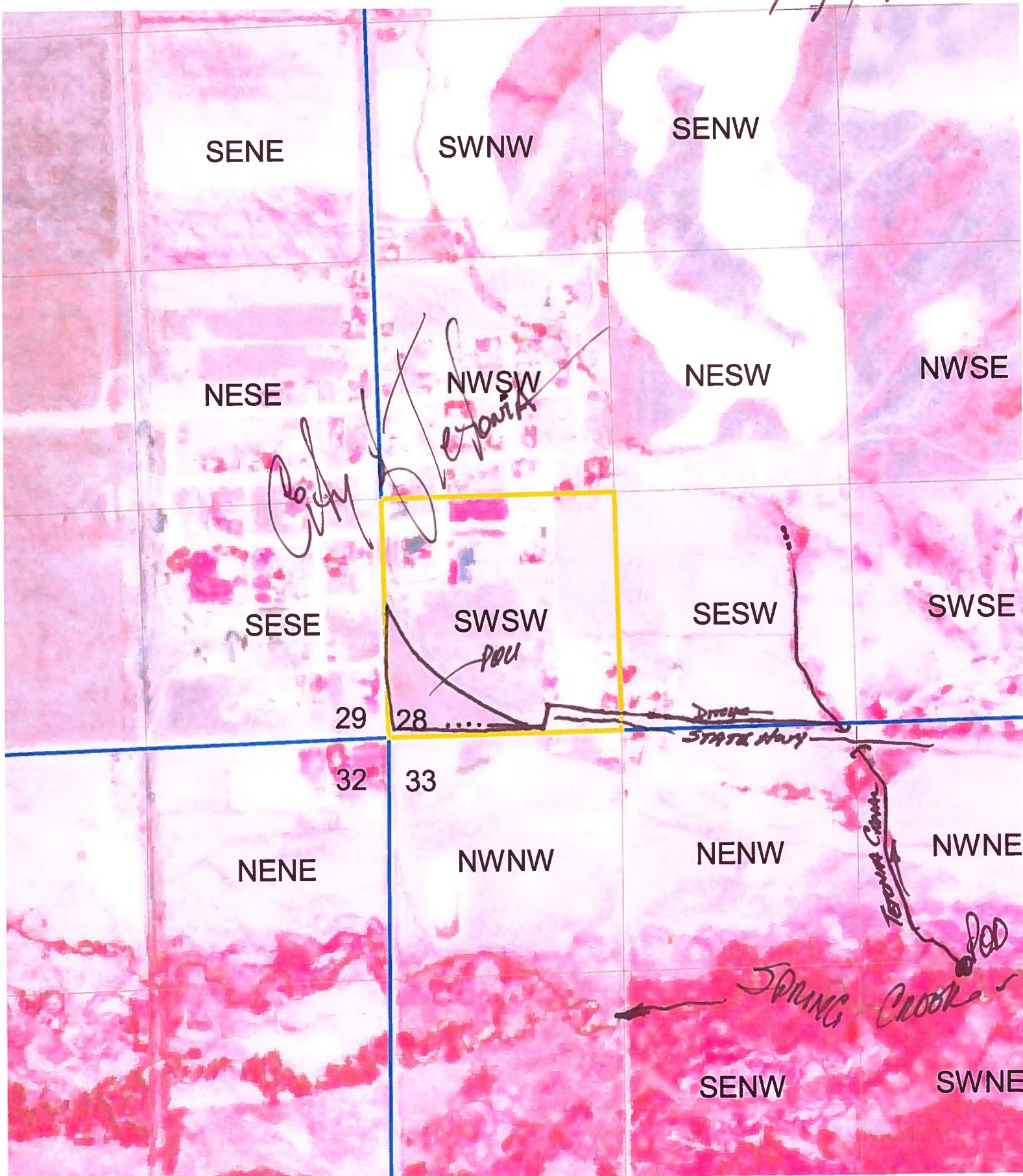
PROFILED

22-380B

SCANNED

MAY 05 2005

7/13/04 *ASH*





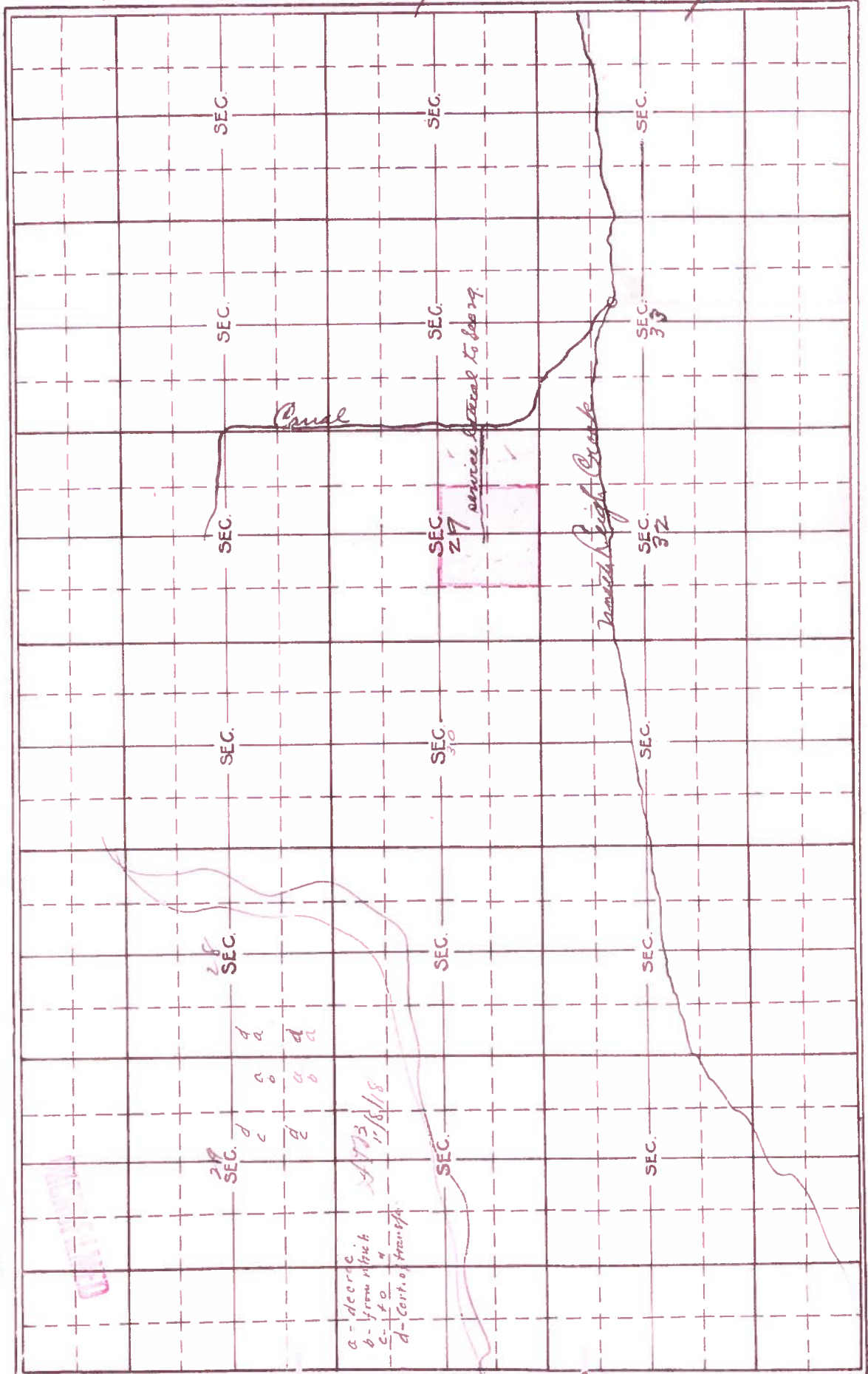
**Tetonia Canal POD off Spring Creek**  
**GPS TAG # A0013691**  
**7/13/2004 9:46:32 AM; ABR**

**PROFILED**

SCANNED  
MAY 05 2005

Name of Applicant: Teton Valley Land Company.

**PROFILED**



SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK

SCANNED  
MAY 05 2005

|                                                                                           |       |
|-------------------------------------------------------------------------------------------|-------|
| 101 Waddell, Mrs. L. E.; Sept. 1, 1891; Teton Creek                                       | 200   |
| 104 Grand Teton Canal Co.; May 1, 1892; Teton Creek (Diverted in Wyoming)                 | 6,360 |
| 105 Edlefson, Noah C.; June 1, 1892; Leigh Creek                                          | 120   |
| 105 Walton, George; June 1, 1892; Paradise Creek                                          | 100   |
| 105 Gjellrup, Carl; June 1, 1892; Darby Creek                                             | 160   |
| 105 Gilbert, Albert; June 1, 1892; Horse Shoe Creek                                       | 120   |
| 105 Ricks, Josiah; June 1, 1892; North Leigh Creek                                        | 160   |
| 105 Sidaway Irrigation & Manufacturing Co.; June 1, 1892; Teton River                     | 384   |
| From July 1st of each year for the balance of the irrigation season                       |       |
| 105 Todd, John; June 1, 1892; Darby Creek                                                 | 160   |
| 105 Todd, Henry M.; June 1, 1892; Darby Creek                                             | 200   |
| 107 Davidson, L. S.; July 26, 1892; Darby Creek                                           | 155   |
| 111 Bettis, Alice, and Joseph; May 1, 1893; Trail Creek                                   | 80    |
| 111 Rigler, Jesse E.; May 1, 1893; Moody Creek                                            | 320   |
| To be reduced to 160 inches after June 20th in each year                                  |       |
| 112 Jones, Benjamin; June 1, 1893; Trail Creek                                            | 160   |
| 112 Thomas, Henry E.; June 1, 1893; no stream proved                                      | 140   |
| 112 Wood, Samuel L.; June 1, 1893; Mahogany Creek                                         | 60    |
| 112 Young, Eva H., widow of Eugene H. Young (deceased); June 1, 1893; Warm Creek          | 160   |
| 112 Gale, Joseph; June 1, 1893; South Leigh and Swamp Creek                               | 100   |
| 112 Gordon, S. A.; June 1, 1893; South Leigh Creek                                        | 40    |
| 112 Eddington, George; June 1, 1893; Teton Creek                                          | 160   |
| 116 Stephens, N. H.; May 1, 1894; Trail Creek                                             | 160   |
| 117 Sinclair, D. R.; June 1, 1894; Trail Creek                                            | 130   |
| 117 Sinclair, D. R., Adminr. Estate of Fred Sinclair (deceased); June 1, 1894; Warm Creek | 160   |
| 117 Ricks, Alfred; June 1, 1894; Moody Creek                                              | 15    |
| To be reduced to 100 inches after June 20th of each year                                  |       |
| 117 Ricks, John; June 1, 1894; Trail Creek                                                | 200   |
| 117 Ricks, Alfred; June 1, 1894; Teton River                                              | 100   |
| 117 Hatch, Hyrum; June 1, 1894; Trail Creek                                               | 51    |
| 117 Moffat, John P.; June 1, 1894; Swamps                                                 | 10    |
| 117 Gale, Joseph; June 1, 1894; South Leigh and Swamp Creek                               | 160   |
| 117 Christensen, Niels C.; June 1, 1894; Fox Creek                                        | 40    |
| 117 Blattner, Rudolph; June 1, 1894; Darby Creek                                          | 80    |
| 117 Ellis, A. J.; June 1, 1894; Darby Creek                                               | 160   |
| 118 Eyrton, L. L.; June 15, 1894; Spring Creek, a tributary of Pine Creek                 | 160   |
| 119 Kirrley, Richard; June 30, 1894; Trail Creek                                          | 40    |
| 120 Frye, John; July 1, 1894; Trail Creek                                                 | 160   |
| 128 Durney, P. S.; May 15, 1895; Little Warm Creek                                        | 20    |
| 129 Adams, E. G.; June 1, 1895; no stream proved                                          | 60    |
| 129 Ashmead, Charles; June 1, 1895; Teton Creek                                           | 150   |
| 129 Bush, Sarah M.; June 1, 1895; Teton Creek                                             | 100   |
| 129 Caldwell, Moroni; June 1, 1895; Pack Saddle Creek                                     | 150   |
| 129 Hermann, C. M.; June 1, 1895; Teton Creek                                             | 160   |
| 129 Moffat, Mary A.; June 1, 1895; Leigh Creek                                            | 80    |
| 129 Moffat, Andrew; June 1, 1895; South Leigh Creek and Swamps                            | 80    |
| 129 Ingram, Thomas H.; June 1, 1895; Darby Creek                                          | 20    |
| 129 Lauritzen, John; June 1, 1895; Spring Creek                                           | 160   |
| 129 Kimball, Archie R.; June 1, 1895; Trail Creek                                         | 80    |

|                                                                                          |     |
|------------------------------------------------------------------------------------------|-----|
| 129 Kay, James; June 1, 1895; Trail Creek                                                | 140 |
| 129 Parker, B. F.; June 1, 1895; Fox Creek                                               | 15  |
| 129 Norval, C.; June 1, 1895; Darby Creek                                                | 50  |
| 131 Spencer, Charles; June 15, 1895; Trail Creek                                         | 160 |
| 131 Costello, C. A.; June 15, 1895; Pine Creek                                           | 40  |
| 131 Costello, C. A.; June 15, 1895; Spring Creek                                         | 120 |
| 132 Tonks, George M.; July 15, 1895; Trail Creek                                         | 160 |
| 138 Beard, James T.; Apr. 1, 1896; Teton River                                           | 200 |
| 138 Huskinson, William J.; Apr. 1, 1896; Teton River                                     | 20  |
| 138 Smith, Albert; Apr. 1, 1896; Trail Creek                                             | 120 |
| 138 Smith, Albert; Apr. 1, 1896; Little Warm Creek                                       | 40  |
| 140 Blair, J. J.; May 1, 1896; Spring Creek                                              | 120 |
| 142 Stahn, Emil A.; May 15, 1896; Spring Creek                                           | 130 |
| 142 Moulton, Charles; May 15, 1896; Fox Creek                                            | 100 |
| 142 Moulton, George F.; May 15, 1896; Fox Creek                                          | 100 |
| 143 Edwards, Andrew; June 1, 1896; Trail Creek                                           | 40  |
| 143 Blair, Ed. F.; June 1, 1896; Trail Creek                                             | 160 |
| 143 Avery, Talitha C.; June 1, 1896; Trail Creek                                         | 160 |
| 143 Allen, Charles A.; June 1, 1896; Trail Creek                                         | 160 |
| 143 Barnes, Charles W.; June 1, 1896; Trail Creek                                        | 160 |
| 143 Bush, George W.; June 1, 1896; Fox Creek                                             | 100 |
| 143 Bush, George W.; June 1, 1896; Fox Creek                                             | 100 |
| 143 Buxton, John; June 1, 1896; Mahogany Creek                                           | 40  |
| 143 Buxton, Lucy, Adminr. Estate of Joseph Buxton (deceased); June 1, 1896; Spring Creek | 160 |
| 143 Crandall, Ira; June 1, 1896; Darby Creek                                             | 100 |
| 143 Hamblin, Kate; June 1, 1896; Trail Creek                                             | 100 |
| 143 Hamblin, Joseph R.; June 1, 1896; Trail Creek                                        | 115 |
| 143 Grigith, Henry; June 1, 1896; Trail Creek                                            | 80  |
| 143 Hendrickson, Alvira E.; June 1, 1896; South Leigh Creek                              | 160 |
| 143 Hansen, Andrew C.; June 1, 1896; Teton Creek                                         | 80  |
| 143 Hanks, Harriet A.; June 1, 1896; North Leigh Creek                                   | 10  |
| 143 Robertson, A. I.; June 1, 1896; Springs on place                                     | 50  |
| 143 Moffat, John P.; June 1, 1896; Swamps                                                | 80  |
| 143 Lauritzen, John; June 1, 1896; Pine Creek                                            | 160 |
| 143 Ricks, Effie E.; June 1, 1896; Trail Creek                                           | 160 |
| 143 Rice, A. L.; June 1, 1896; Patterson Creek                                           | 160 |
| 143 Rice, A. L.; June 1, 1896; Patterson Creek                                           | 160 |
| 143 Peterson, A. L.; June 1, 1896; Darby Creek                                           | 160 |
| 143 Peterson, Chris; June 1, 1896; Trail Creek                                           | 150 |
| 143 Humbull, Olive A.; June 1, 1896; Trail Creek                                         | 160 |
| 143 Stone, Henry J.; June 1, 1896; Fox Creek                                             | 160 |
| 143 Sherman, William D.; June 1, 1896; Trail Creek                                       | 120 |
| 143 Walton, Dania; June 1, 1896; Darby Creek                                             | 160 |
| 143 Victor Town Site; June 1, 1896; Trail Creek                                          | 520 |
| 143 Vail, J. R.; June 1, 1896; Fox Creek                                                 | 160 |
| 143 Taylor, Jackson C.; June 1, 1896; South Leigh Creek                                  | 90  |
| 143 Lehman, John; June 1, 1896; North Leigh Creek                                        | 155 |
| 143 Murphy, Thomas E.; June 1, 1896; Darby Creek                                         | 160 |
| 143 Larson, Peter; June 1, 1896; Darby Creek                                             | 160 |
| 143 Larsen, K. M.; June 1, 1896; Darby Creek                                             | 40  |
| 143 Larsen, A. C.; June 1, 1896; Darby Creek                                             | 20  |
| 143 Kimball, R. C., and A. L.; June 1, 1896; Fox Creek                                   | 80  |
| 143 Johnson, W. R.; June 1, 1896; Trail Creek                                            | 96  |
| 143 Penfold, Farley; June 1, 1896; Fox Creek                                             | 20  |
| 143 Pascoe, F.; June 1, 1896; Darby Creek                                                | 160 |
| 144 Pascoe, W. R.; June 15, 1896; Darby Creek                                            | 160 |
| 145 Larson, Andrew; July 1, 1896; Lauritzen Spring                                       | 40  |
| 145 Frye, John; July 1, 1896; Trail Creek                                                | 140 |
| 147 Eames, John S.; July 15, 1896; Teton River                                           | 20  |

PROFILED

SCANNED

MAY 05 2005

# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

### NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 22-380 B              |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

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

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

**OR**

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

3. Name and Address of Former Owner/Claimant(s)

Robert K. Smellie  
404 N. 500 W. Tetonia Id 83452

4. New Owner/Claimant(s)

Mitchell J. Smaellie  
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

P.O. Box 165

City, State and ZIP Code

Tetonia Idaho 83452

New Telephone Number

(208) 456-2901

5. Date you acquired the property

FEB 27, 1995

FILED

SCANNED

MAY 05 2005

FEB 27 1995

119232

TETON Co. Id.  
Clerk Recorder

## QUITCLAIM DEED

For Value Received

Robert K. Smellie and Ardell Smellie, Husband and Wife

do hereby convey, release, remise and forever quit claim unto

Mitchell J. Smaellie and Juanita Diane Smaellie, Husband and Wife

whose current address is

355 W. 600 N., Tetonia, ID 83452

the following described premises, to-wit:

Beginning 40 feet North and 40 feet East of the Southwest corner of the Southwest Quarter of Section 28, Township 6 North, Range 45 East Boise Meridian, and running thence East 574 feet, thence in a Northwesterly direction 840 feet, more or less, to a point 574 feet North of the point of beginning, thence South 574 feet to the point of beginning.

together with their appurtenances.

Dated: February 24, 1995

x Robert K. Smellie  
Robert K. Smellie

x Ardell Smellie  
Ardell Smellie

STATE OF IDAHO, COUNTY OF ~~Madison~~ TETON  
On this 24th day of FEBRUARY, 1995,  
before me, a notary public, and for said State, personally  
appeared,

Robert K. Smellie  
Ardell Smellie

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

Misty Dayton  
Notary Public  
Residing at Rexburg, Idaho  
Comm. Expires 12/13/97

119232

FILED

AT THE REQUEST OF

Robert K. Smellie

24 MINUTES PAST 1 P. M.  
DATE February 27, 1995

Asa J. Drake  
CLERK OF RECORDER

BY Asa J. Drake  
DEPUTY

Filed \_\_\_\_\_  
Indexed \_\_\_\_\_  
Platted \_\_\_\_\_

119232

WARRANTY DEED

THIS INDENTURE, Made the 27 day of May, in the year of Our Lord, One Thousand Nine Hundred and sixty-three between The Village of Teton, a municipality corporation of the State of Idaho, of the County of Teton, and State of Idaho the party of the first part, and Robert K. Smellie, and Ardell Smellie, his wife, of the County of Teton, and State of Idaho, the parties of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of One dollar (\$1.00) and other valuable considerations - - - - - DOLLARS lawful money of the United States of America to it in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, do es by these presents, Grant, Bargain, Sell and Convey and Confirm unto the said parties of the second part and to their heirs and assigns forever all that certain lot, piece or parcel of land situate, lying and being in the County of Teton, and the State of Idaho, and bounded and described as follows, to-wit:

Beginning 40 feet North and 40 feet East of the Southwest Corner of the Southwest Quarter of Section 28, Twp., 6 North, Range 45 E. B. M., running thence East 574 feet, thence in a North-Westerly direction 840 feet, more or less, to a point 574 feet North of the point of beginning, thence South 574 feet to the point of beginning.

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises together with all appurtenances and privileges thereunto incident, unto the said parties of the second part, to their heirs and assigns forever. And the said party of the first part and its heirs, the said premises in the quiet and peaceful possession of the said parties of the second part, their heirs and assigns, against the said party of the first part, and its heirs, and against all and every person or persons whosoever, lawfully claiming or to claim the same, shall and will warrant any, or by these presents forever defend.

IN WITNESS WHEREOF, The said party of the first part has hereunto set its hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of  
[Signature] } Ralph Neilson (SEAL)  
[Signature] } Chairman, Village Board  
[Signature] } Wayne H. Stohler (SEAL)  
[Signature] } Clerk, Village Board  
[Signature] } (SEAL)

BOULEVARD

RECORDED  
INDEXED

No. 62023

# WARRANTY DEED

The Village of Tetona

To

H. H. Smith et al

Dated May 27, 1963

Filed for Record at the request of

H. H. Smith

at 45 minutes past 4

o'clock P. M., this 27

day of May, 1963

and Recorded in Book 87 of Deeds,

Page 285, Records of Teton County,

State of Idaho.

Witness to this

Recorder.

By Dennis C. Mathaway

Deputy

Fees, \$1.50

TETON VALLEY NEWS PRINT

STATE OF IDAHO,  
County of Teton,  
ss.

On the 27 day of May, in the year 1963, before me,  
the undersigned a notary public in and for said County and State,  
personally appeared Ralph Helleason, and Wayne Atchley

known to me to be the person whose name are subscribed to the within instrument,

and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I hereunto set my hand and affixed my official seal the day and year

in this certificate first above written.

David Starny - Notary Public

My Commission Expires March 7-1966.

SCANNED  
MAY 05 2005

PROFITED



State of Idaho  
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

422-0031

Permanent file

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 3, 1989

TETON

Mr. and Mrs. R. K. Smellie  
P. O. Box 126  
Tetonia, ID 83452

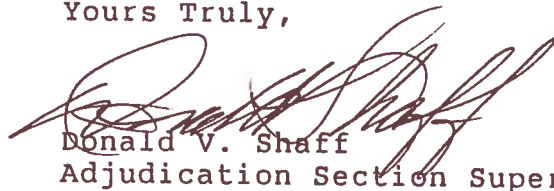
RE: Snake River Basin Adjudication

Dear Mr. and Mrs. Smellie:

In processing your claim, it was necessary to assign another number to your water right claim. That number is in the upper right-hand corner of the enclosed claim copy.

You do not have to return the claim or acknowledge this change. This notice is for your information only.

Yours Truly,



Donald V. Shaff  
Adjudication Section Supervisor

DVS:db  
Enclosure  
A22-00380B

SCANNED

MAY 05 2005

MAY 05 2005

PROFILED

MICROFILMED

NOV 04 1989

RECEIPT  
For Monies Paid  
to the  
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: MOO1442

Date: 09/27/88  
Time: 13:06:08

Received  
From: SMELLIE, R. K.

| Type of Payment  | Program Acct Class | Amount   |
|------------------|--------------------|----------|
| ADJUDICATION FEE | 0410162 9337 6490  | \$124.00 |
| Total            |                    | \$124.00 |

CHECK 337

*number changed from 60300A*

WR/NO: A22-00134A A22-00380E

Idaho Department of Water Resources

Region: MOBILE I

Signature: \_\_\_\_\_

*7/17/89  
gpc*

SCANNED  
MAY 05 2005

*Copy to file*

PROFILED

MICROFILMED  
NOV 04 1992

STATE OF IDAHO  
OFFICE OF THE STATE ENGINEER  
CERTIFICATE OF WATER RIGHT

Transferred Right No. 226.

This is to certify that TETON VALLEY LAND COMPANY of Salt Lake City, State of Utah, has a right to the use of the waters of North Leigh Creek, for irrigation and domestic purposes, and that said right has been confirmed by decree of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of Rexburg Irrigation Company, et al, plaintiffs, vs. Teton Irrigation Canal Company, et al, defendants, dated December 10, 1910, by J. W. Stevens, Judge, wherein 3.1 second feet of the waters of North Leigh Creek in Water District No. 360, were dedicated to the NE 1/4 Sec. 28, and E 1/2 Sec. 29, Tp. 4 N., R. 45 E., S. 10 N., bearing date of priority of June 1, 1896, the said decrees being entered at Boise, Idaho, in the records of the State Engineer, in Volume 3 of Decrees, page 471; that upon application of the above named Teton Valley Land Company for a transfer of water right, made before the State Engineer of the State of Idaho, and after due investigation, said application having been granted by the said State Engineer, the right to use 3.1 second feet of said waters upon the lands above described is hereby abandoned, and a description of the lands to be irrigated under such right and to which the water right hereby confirmed shall by this instrument become appurtenant, for irrigation and domestic purposes, is shown in the following table, limited at any given time to an amount actually needed and beneficially used for said purposes, and shall not exceed the following amount:

3.1 second feet, dated June 1, 1896.

| N 1/4   |        | E 1/4   |        | S 1/4   |        | SW 1/4  |        | SE 1/4  |        | Total   |        |
|---------|--------|---------|--------|---------|--------|---------|--------|---------|--------|---------|--------|
| Sec. 28 | NE 1/4 | Sec. 28 | NE 1/4 | Sec. 28 | NE 1/4 | Sec. 28 | NE 1/4 | Sec. 28 | NE 1/4 | Sec. 28 | NE 1/4 |
| 60      | 45     | 28      |        |         |        |         |        |         |        | 80      | NWSW   |
|         | 29     |         |        |         |        |         |        |         |        | 80      | SWSW   |
|         |        |         |        |         |        |         |        |         |        | 160     | NWSE   |
|         |        |         |        |         |        |         |        |         |        |         | SWSE   |

The right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

No right to the use of water on the lands herein named exists at the date of this certificate, except as herein stated.

WITNESSE the seal and signature of the State Engineer of the State of Idaho, affixed at Boise, Idaho, this 19th day of November, 1918.

(3541)

W. W. STEVENS,  
State Engineer.

Recorded in Water Dist. No. 360, 11-22-18, N.E.S.  
Filed on Map: Water Dist. No. 360, 11-21-18, N.E.S.  
Point of Diversion: SW 1/4 Sec. 25, Tp. 40., R. 45E, S. 10N.

FILED

21-038C

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: A22-00380B  
Date Received: 9/27/1988  
Receipt No: M001442  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: R. K. SMELLIE 208-456-2576  
Address: BOX 126  
TETONIA, ID 83452  
OR  
Name: ARDELL SMELLIE 208-456-2576  
Address: BOX 126  
TETONIA, ID 83452

2. Date of Priority: JUN 01, 1896

3. Source: SPRING CREEK Trib. to: TETON RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 06N      | 45E   | 33      | SW     | NW     | NE  |     | TETON  |

5. Description of diverting works:  
HEADWORKS OF TETONIA CANAL CO. LTD. TO REDIVERSION PUMP

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/15 | 10/15 | 0.070  |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

A22-00380B

Page 1

Date: 07/17/89

**PROFILED**

SCANNED  
MAY 05 2005

MICROFILMED  
NOV 04 1992

A2200380B

10. Place of Use:

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 06N           | 45E   | 28      | SW     | SW  |     | IRR | 3.5   |
| Section Acres |       |         |        |     |     |     | 3.5   |
| Total Acres   |       |         |        |     |     |     | 3.5   |

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:  
22-00135,7008

14. Remarks:

RIGHT SPLIT BY OWNERSHIP

\*\*\*\*\*

THIS RIGHT ORIGINALLY FILED AS A2200380A. EASTERN SENT OFF  
FIRST UPDATE AND REGION WAS STUCK IN FILE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

REXBURG IRR. CO. ETAL  
Decree Plaintiff

vs

TETON IRR. CANAL CO. ETAL  
Decree Defendant

**PROFILED**

SCANNED  
MAY 05 2005

MICROFILMED  
NOV 04 1989

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: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

**PROFILED**

SCANNED  
MAY 05 2005

MICROFILMED  
NOV 04 1992  
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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

*Renumbered* A22-00380B  
Ident. Number: A22-00380A  
Date Received: 9/27/1988  
Receipt No: MO01442  
Received By: SV

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: R. K. SMELLIE 208-456-2576  
Address: BOX 126  
TETONIA, ID 83452  
OR  
Name: ARDELL SMELLIE 208-456-2576  
Address: BOX 126  
TETONIA, ID 83452

2. Date of Priority: JUN 01, 1896

3. Source: SPRING 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   | 33      | SW     | NW     | NE     |     | TETON  |

5. Description of diverting works:  
HEADWORKS OF TETONIA CANAL CO. LTD. TO REDIVERSION PUMP

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/15 | 10/15 | 0.070  |      |        |

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

8. Total consumptive use is 7.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

A22-00380A

Page 1

Date: 09/27/88

SCANNED

MAY 05 2005

PROFILED

MICROFILMED

NOV 04 1988

10. Place of Use:

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 06N           | 45E   | 28      | SW     | SW  |     | IRR | 3.5   |
| Section Acres |       |         |        |     |     |     | 3.5   |
| Total Acres   |       |         |        |     |     |     | 3.5   |

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:  
22-00135,7008

14. Remarks:  
RIGHT SPLIT BY OWNERSHIP

15. Basis of Claim: DECREED  
Case Number:  
Court :  
Decree date: 12/16/1910

REXBURG IRR. CO. ETAL  
Decree Plaintiff

vs

TETON IRR. CANAL CO. ETAL  
Decree Defendant

SCANNED

MAY 05 2005

PROFILED

MICROFILMED

NOV 04 1996

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 y wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

**For Individuals:**

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

Signature of Claimant(s): [Signature] Date: Sept 27-88  
Date: \_\_\_\_\_

State of Idaho )  
County of Teton ) SS.

Subscribed and sworn (or affirmed) before me this 27 day  
of September 19 88  
[Signature]  
Notary Public

Seal.

Residing at Lake Falls, ID  
My Commission Expires 22 Aug 1994

**PROFILED**

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MAY 05 2005

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Δ22-003804

10-27-74

**PROTECTED**

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