

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

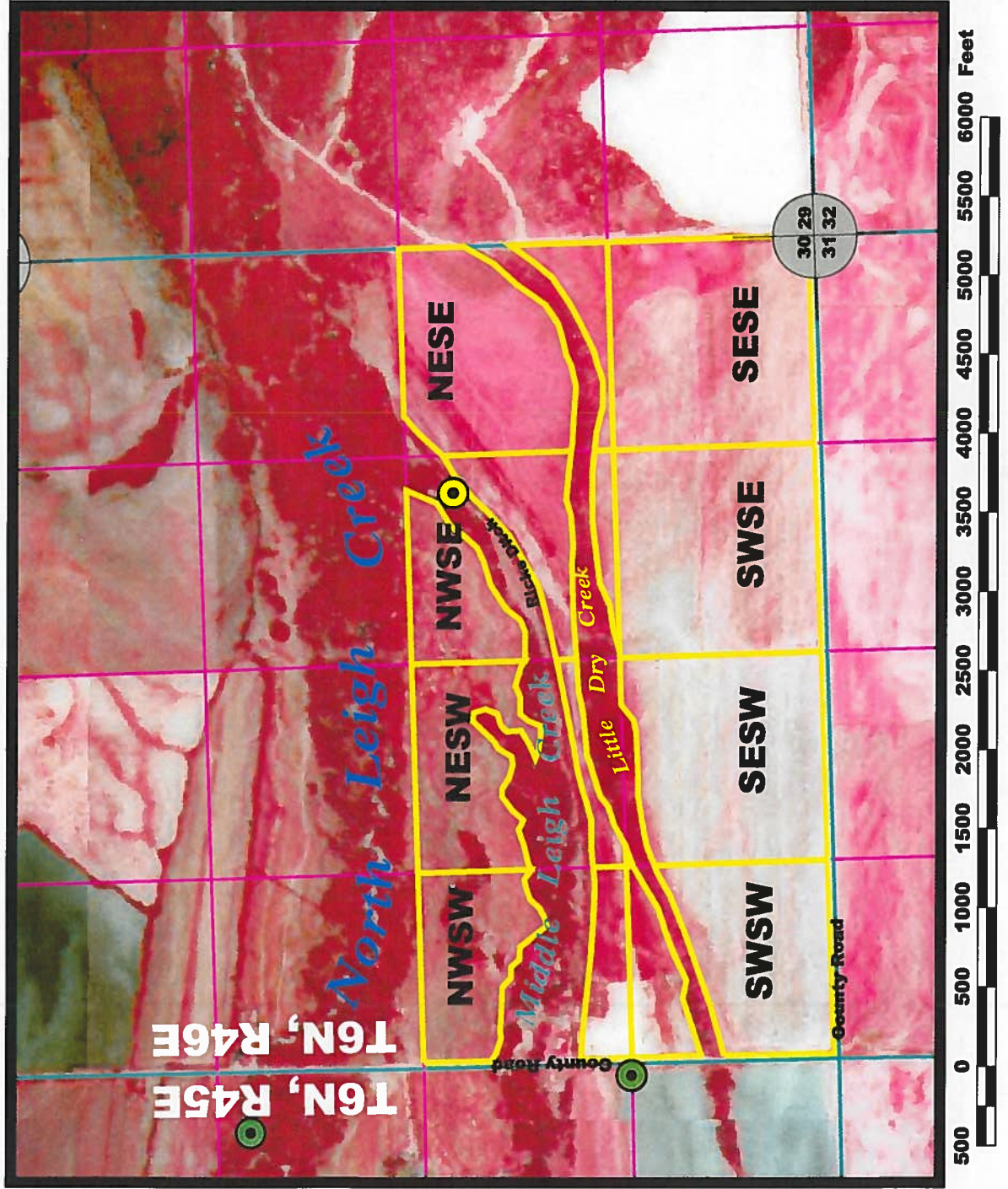
Right Nos. 22-312, 22-487C, and 22-13016 are also diverted through points of diversion described above.



State of Idaho

Department of Water Resources

Eastern Region





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			

SCANNED
JUN 22 2005

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 22 2005

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JUN 15 1999

DC
6-22-99

Department of Water Resources

RECEIVED

NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP SEP 16 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 22 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.)

- [x] Signature of New
Owner/Claimant(s)

Boyd Charles Smith Date 30 Aug 96

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

Jill Johnson Smith Date 8/30/96

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

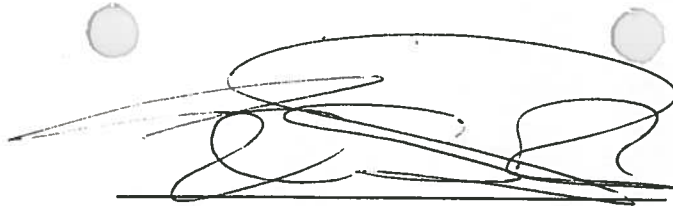
- [x] Signature of Former
Owner/Claimant(s)

Edmund S. Twining, III Date Aug 20, 1996

Edmund S. Twining, III, Individually

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JUN 22 2001



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

PROTECTED

SCANNED
JUN 22 2005

WATER RIGHT NO. 22-487C
As Modified by Transfer No. 66898

In accordance with the approval of Transfer No. 66898, Water Right No. 22-487C is now described as follows.

Right Holder: BOYD C SMITH & JILL J SMITH TRUST
 C/O HOLDEN KIDWELL HAHN & CRAPO PLLC
 PO BOX 50130
 IDAHO FALLS ID 83405

Priority Date: 06/01/1897

Source: MIDDLE LEIGH CREEK **Tributary:** TETON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	0.72 CFS	
			0.72 CFS	

LOCATION OF POINT(S) OF DIVERSION:

MIDDLE LEIGH CREEK NWSE Sec. 30 Twp 06N Rge 46E TETON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N 46E 30									20.0	25.0	35.0	38.0	34.0	28.0	40.0	40.0	260.0

Total Acres: 260

CONDITIONS OF APPROVAL

1. Use of water under this right may be affected by an agreement between the protestant and the right holder.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 01, Snake River.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.
5. Rights 22-312, 22-487C, and 22-13016 when combined shall not exceed a total annual maximum diversion volume of 910.0 af at the field headgate, and the irrigation of 260 acres.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

WATER RIGHT NO. 22-487C
As Modified by Transfer No. 66898

CONDITIONS OF APPROVAL

7. Rights 22-312 and 22-13016 are also diverted through the point of diversion described above.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Approval of Transfer No. 66898 does not preclude the opportunity for review of the validity of the water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 25th day of October, 2001


Chief, Water Allocation Bureau

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: ^{0487?} A22-00487C

Date Received: 10/29/1988

Receipt No: E003224

Received By: TO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EDMUND S. TWINING, III
Address: P.O. BOX 101
TETONIA, ID

208-456-2310

83452

AND

Name: SUSAN TWINING
Address: P.O. BOX 101
TETONIA, ID

83452

2. Date of Priority: JUN 01, 1897

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	46E	29	NW	SE	NW		TETON

5. Description of diverting works:
WEAVER DITCH - CONCRETE HEADING WITH FLASH BOARDS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.800		

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

8. Total consumptive use is 320.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A2200487C



MICROFILMED

OCT 28 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	46E	30	NE	SE		IRR	30.0
			NW	SE		IRR	30.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		140.0
					Total Acres		140.0

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:

22-04040, 22-00063, 22-00488, 22-00489

22, 0311, 22-0313 -

~~22-0488~~

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court : 12/10/1910

Decree date: 12/16/1910

REXBURG IRR. CO. ET AL
Decree Plaintiff

vs

TETON IRR. CANAL CO. ET AL
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: 1

For Individuals:

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

Signature of Claimant(s): [Signature] Date: 9/27/88

[Signature] Date: 9/27/88

State of Idaho)
County of Idaho) SS.

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

[Signature]
Notary Public

Seal

Residing at Driggs, ID 83422
My Commission Expires Life

AJ0749NP
No. A22-00487C

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

DATE: 06/24/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BOYD C & JILL J SMITH TRUST 3201 ASH ST PALO ALTO CA 943062240 (415) 493-5411	06/01/1897	IRRIGATION	04-15 10-15	0.80 CFS	
TOTAL DIVERSION:					0.80 CFS	
CONSUMPTIVE USE:						320.00 AFA

Water Source: NORTH LEIGH CREEK

Tributary to: TETON RIVER

Stage: DECREED

Point(s) of Diversion: T06N R46E S29

MUSENW

TETON County

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	SUM
T R S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: SUM
06N 46E 30	:	:	:	:	:
			20	19	36
			38		30
				30	40
				40	40
					253.0
					253.0
					TOTAL ACRES

POU County: TETON

Other Rights: 22-00063, 22-00488, 22-00489

Remarks: GEN CHANGED ADDRESS PER REQUEST/JH/6-24-99

Dates: Exam Made Date: Verified Date:

Objection Filed Date:

Misc: Water District Number: Field Inspection Flag: Presumption Flag:

Twp 6N
R9E 46E

Weaver Ditch
Heading

North Lesh Creek

143	20	30	30
19			
A22-00063	A22-00487C		
147	A22-00488		
36	38	40	40

MICROFILMED

OCT 28 1982

E003224

2348 (2)

-1-

EDMUND S. AND SUSAN TWINING III
Teton Ranch

PO Box 101

Teton, ID 83458

45, 82, 310

Legal Descriptions

Teton Ranch

Lots 1 and 2, E½NW¼, NE¼ - Section 31
Lots 1, 2 and 3, NW¼ - Section 32
All in Township 6 North, Range 46 East,
Boise Meridian

Welfare Farm

NE¼NE¼ - Section 36
Township 6 North, Range 45 East, B.M.

Stillers Run

Lots 3 and 4; E½SW¼; SE¼
All in Section 30, Twn. 6 North, Rge. 46 E.B.M.

Galloway Hills

SW¼SW¼, S½NW¼SW¼, Sec. 29, Twn. 6 N., Rge 46 E.B.M.

Water Rights Described in Warranty Deeds

Teton Ranch

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

Source: South Leigh Creek

Amount: 3.2 cfs

Priority Date: 1891

Use: Irrigation

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

Diversion: See "Diversion" below

lots 1, 2, 3, & NW¼ Sec 32

22-0616/T.2135 - 8.0 cfs - 1916

Source: South Leigh Creek

Amount: 8.0 cfs

Priority Date: 1916

Use: Irrigation

Place of Use: Lots 1 & 2, E½NW¼, NW¼, Section 31
Twn 6 N Rge 46 EBM

Diversion: See "Diversion" below

lots 1, 2, 3 & NW¼ Sec 32

Diversion: Irrigation Pumps at Ida/Wyo State line

NW¼NE¼, Sec. 32, Twn. 6 N., Rge. 46 EBM

OR

SE¼NE¼, Sec. 6, Twn. 44 N., Rge 118 W6thPM

Kilpack Canal Diversion

SE¼NE¼, Sec. 6, Twn. 44 N, Rge 118W-6PM

Hog Canal Diversion

NW¼NW¼, Sec. 6, Twn. 44 N, Rge 118-6PM

80 acre feet - Fremont-Madison

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APR 08 1994

Welfare Farm - *PD group 5*

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

Stillers Run

22-0063 (DECREE)

Source: ~~South~~ ^{North} Leigh Creek

Amount: 6.4 cfs

Priority Date: January 22, 1916

Use: Irrigation

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

NE%SW% NW%SW%

SW%SW% SE%SW%

NE%SE% NW%SE%

SW%SE% SE%SE%

Diversion: Lot *2* Section 29-6-46 EBM

F. C. Gillette vs Lynn Waddell - December 7, 1938

22-0312 (DECREE)

Source: North Leigh Creek

Amount: 3.0 cfs

Priority Date: June 1, 1897

Use: Irrigation

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

NE%SW% NW%SW%

SW%SW% SE%SW%

Diversion: SW%NE% - Section 29, Twn. 6 N., Rge 46 EBM

Rexburg Irr. Co. vs Teton Canal Co. - 12/16/1910

22-0313 (DECREE)

Source: North Leigh Creek

Amount: .2 cfs

Priority Date: June 1, 1900

Use: Irrigation

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

Diversion: SW%NE% - Sec. 29, Twn. 6 N., Rge 46 EBM (originally recorded as Rge 45)

Rexburg Irrigation Co. vs Teton Canal Co. - 12/16/1920

22-0487 (DECREE)

Source: North Leigh Creek

Amount: 1.8 cfs

Priority Date: June 1, 1897

Use: Irrigation

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

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

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

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APR 08 1994

22-0488 (DECREE)

Source: North Leigh Creek
Amount: .7 cfs
Priority Date: June 1, 1899
Use: Irrigation
Place of Use: SE $\frac{1}{4}$, Sec. 30, Twn. 6 N., Rge. 46
EBM
Diversion: Hansen Ditch
Rexburg Irrigation Co. vs Teton Canal Co.
12/10/1910

22-0489 (DECREE)

Source: North Leigh Creek
Amount: 3.2 cfs
Priority Date: June 1, 1899
Use: Irrigation
Place of Use: SE $\frac{1}{4}$, Sec. 30, Twn 6 N., Rge 46 EBM
Diversion: Hansen Ditch
Rexburg Irrigation Co. vs Teton Canal Co.
12/10/1910

22-4040 (CLAIM)

Source: Indian Creek
Amount: 4.1 cfs
Priority Date: June 29, 1900
Use: Irrigation 4.0 cfs
Stock Water .1 cfs
Place of Use: S $\frac{1}{4}$, Section 30, Twn 6 N., Rge 46
NW EBM
Diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Twn. 6 N., Rge 46
EBM
Published: Teton Valley News
July 31, 1980 & August 1, 1980

~~22-7258 (PERMIT)~~ *N- filing.*

Source: Well
Amount: 6.4 cfs
Date: August 31, 1977
Use: Irrigation and Stock Water
Place of Use: S $\frac{1}{4}$ Section 30, Twn. 6 N., Rge 46
EBM
Diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, Twn. 6 N., Rge. 46
EBM

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

POOR ORIGINAL

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APR 08 1994

Galloway Hills

Water right unknown

Domestic Wells

A22-12134 Teton Ranch

Location: SE³²NW³², Sec. 6, Twn. 6 N., Rge 46 EBM
Size: 6"
Depth: Unknown
History: Estimated 50 years *March 7, 1928*
Use: Domestic: 2 homes, stock water

600 HP Range water

Stillers Run

A22-12135

x(1) Location: ^{SW}NW^{SW}, Sec. 30, Twn 6 N, Rge 46 EBM
Size: 6"
Depth: Unknown
History: Estimated 50 years *March 5, 1928*
Use: Domestic - 1 house, stock water

A22-12136

(2) New South Well
Location: ^{SW}NW^{SW}, Sec. 30, Twn 6 N, Rge 46 EBM
Size: 6"
Depth: 120 feet
Date Drilled: April 30, 1987
Use: ~~Domestic~~ and Stock Water

A22-12137

(3) New North Well
Location: ^{NW}NW^{SW}, Sec 30, Twn 6 N, Rge 46 EBM
Size: 6"
Depth: 120 feet
Date Drilled: April 30, 1987
Use: ~~Domestic~~ and Stock Water

600

Stock Water

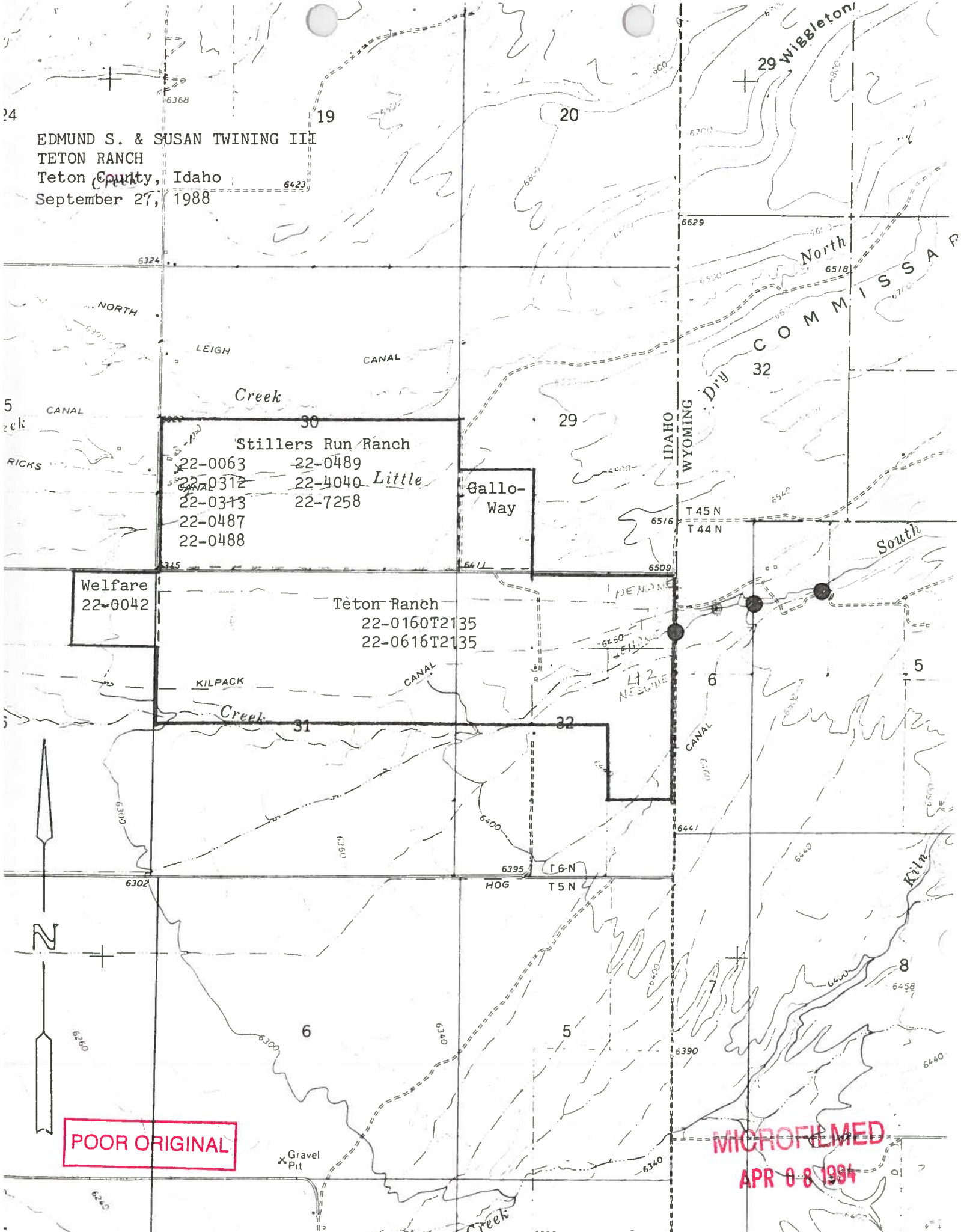
File for stock water on all parcels from South Leigh and Middle Leigh and North Leigh for estimated 600 head of stock.

POOR ORIGINAL

MICROFILMED
APR 08 1994

24

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



POOR ORIGINAL

MICROFILMED
APR 08 1994

4

30

40

22

1990

17.

20

R. 118 W

IDAHO
WYOMING

T. 44N

Pumas

Can / heading

MICROFILMED

APR 08 1951

Twp 6N
R3E 46E

Weaver Ditch
Heading

North Leish Creek

L+3	19	20	30	30
A22-00063			A22-00487C	
L+4	36	38	40	40

POOR ORIGINAL

MICROFILMED

APR 08 1984