

06/01/2006

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

RIGHT NUMBER: 22-2270

NAME AND ADDRESS: BOYD E SMITH
4371 S 5500 W
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.740 CFS
115.00 AFY

PRIORITY DATE: 03/29/1966

POINT OF
DIVERSION: T05N R39E S17 SESESE Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 11/01

2.740 CFS
115.00 AFY

PLACE OF USE: IRRIGATION Within MADISON County

T05N R39E S17 SESE 23.00

23 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 - License

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

09/12/2005

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

RIGHT NUMBER: 22-2270

NAME AND ADDRESS: ERVIN B SMITH
3310 VALENCIA DR APT S360
IDAHO FALLS ID 83404

JOYCE B SMITH
3310 VALENCIA DR APT S360
IDAHO FALLS ID 83404

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.740 CFS
115.000 AFY

PRIORITY DATE: 03/29/1966

POINT OF DIVERSION:

T05N R39E S17 SESESE Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	2.740 CFS 115.00 AFY

PLACE OF USE: IRRIGATION Within MADISON County
T05N R39E S17 SESE 23.0

23 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 - License

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



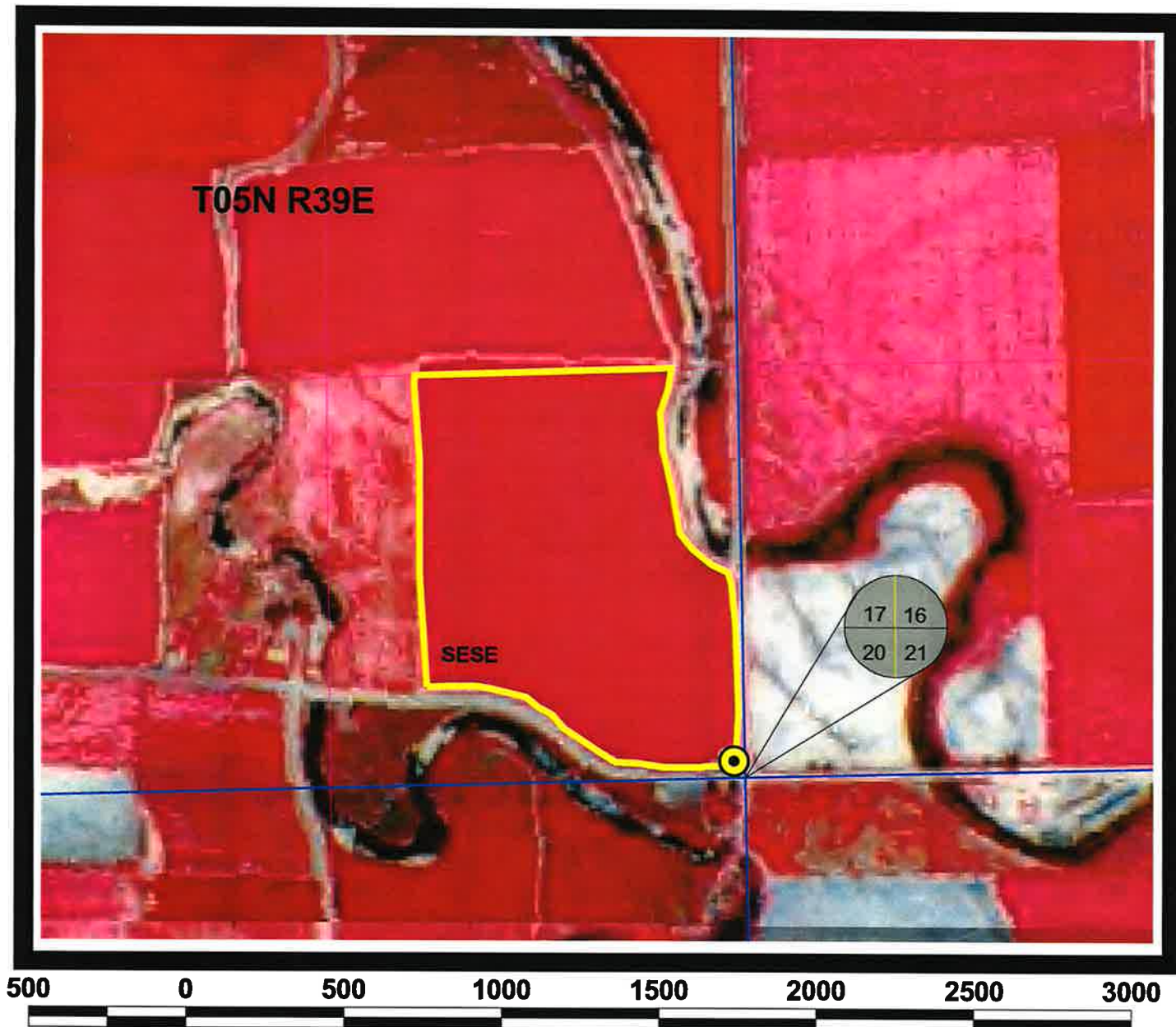
State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-2270



Point(s) of Diversion:
T05N R39E
Sec. 17 SESESE

Place of Use (parts of):
T05N R39E
Sec. 17 SESE

LEGEND

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



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



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION
June 1, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

BOYD E SMITH
4371 S 5500 W
REXBURG ID 83440

RE: Notice of Change of Water Right Ownership (NCO) for 22-2270 and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. Smith:

On May 5, 2006, the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

Enclosure

cc: Joyce Smith

In Re SRBA	)	Water Rights: 22-2270
	)	
Case No. 39576	)	NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING

☐	Address change		
☒	Substitution of Party SMITH, JOYCE – SMITH, BOYD		
☐	I.C. § 42-222 transfer		
	☐ point of diversion	☐ place of use	
	☐ period of use	☐ nature of use	
	☐ split of water right	☐ change in ownership	

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on June 2, 2006, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
JOYCE SMITH
3310 VALENCIA DR APT 360
IDAHO FALLS ID 83404

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
BOYD E SMITH
4371 S 5500 W
REXBURG ID 83440

4. One copy to:

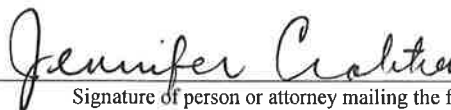
Each party in the subcase, or attorney of record
N/A

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

OK JC
5/31/06
RECEIVED
MAY 05 2006
Department of Water Resources
Eastern Region

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 (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	22-2270				

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

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

Joyce D Smith
3310 Valen Cir DE apt 360

4. New Owner/Claimant(s)

Idaho Falls Idaho 83404

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

Boyd E Smith

City, State and ZIP Code

4371 S 5500 W Rexburg Idaho 83440

New Telephone Number

208 356-3552

5. Date you acquired the property

PERSONAL REPRESENTATIVE'S DEED

THIS INDENTURE, Made this 12 day of April, 2005, between **JOYCE B. SMITH**, individually and as Personal Representative of the **ERVIN B. SMITH ESTATE**, deceased, of Madison County, Idaho, the party of the first part, and **BOYD SMITH**, a single person, of 5133 West 5000 South, Rexburg, Idaho 83440, the parties of the second part,

WITNESSETH, That the said party of the first part, JOYCE B. SMITH, individually and as the duly appointed, qualified and acting Personal Representative of the Estate of ERVIN B. SMITH, does by these presents grant, convey, and confirm unto BOYD SMITH, the said party of the second part, and to his heirs and assigns forever, all of party of the first part's individual interest and said estate's interest in and to the following described real property, located in Madison County, Idaho, to-wit:

Beginning at the Southeast corner of Section 17, Township 5 North, Range 39 East Boise Meridian, and running thence West 990 feet; thence North 1320 feet; thence East 990 feet, and thence South 1320 feet to the point of beginning.

TO HAVE AND TO HOLD, unto the said party of the second part, and to his heirs and assigns forever.

IN WITNESS WHEREOF, The said party of the first part, individually and as Personal Representative, has, as aforesaid, hereunto set her hand and seal the day and year first above written.



Joyce B. Smith, Individually



Joyce B. Smith
as Personal Representative of the
Estate of ERVIN B. SMITH

STATE OF IDAHO,)
 ss.
County of Bonneville.)

On this 12 day of April, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared **Joyce B. Smith**, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

Debbie Henscheid
Notary Public for Idaho
Residing at: Idaho Falls, Id.
My Commission Expires: 11-9-07

STATE OF IDAHO,)
) ss.
County of Bonneville.)

On this 12 day of April, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared **Joyce B. Smith**, known to me to be the person whose name is subscribed to the within instrument, as the Personal Representative of the Estate of ERVIN B. SMITH, and acknowledged to me that she executed the same as such Personal Representative of said estate.

D. Bruce Hemscheid
Notary Public for Idaho
Residing at: Idaho Falls, Id.
My Commission Expires: 11-9-07.

WARRANTY DEED

FOR VALUE RECEIVED, **The Smith Family Intervivos Revocable Trust**, with **JOYCE B. SMITH**, as sole trustee and as an individual, a single person, of 4371 South 5500 West, Rexburg, ID 83440, hereinafter called "Grantor" hereby remises, releases, and forever warrants unto **BOYD SMITH**, a single person, of 5133 West 5000 South, Rexburg, Idaho 83440, hereinafter called "Grantee", the following real property located in Madison County, State of Idaho, to-wit:

The Southwest 1/4 Northwest 1/4 of Section 16, Township 5 North, Range 39 East, Boise Meridian, in Madison County, Idaho. Also: commencing at the Southeast corner of the North Half of the Northeast Quarter of Section 17, and running thence West 5 rods; more or less, to the center of Jones Warm Slough; thence following the meanderings of said slough in a Westerly, Northwesterly direction to a point 6 1/2 rods East and 32 rods North; more or less, from the Southwest corner of the Northwest Quarter of the Northeast Quarter of said Section 17; and at the center of said Jones Warm Slough; thence South 32 rods, more or less; thence East 153 1/2 rods to the point of beginning; also the South half of the Northeast Quarter; the North half of the Southeast Quarter and the Southeast Quarter of the Northwest Quarter of said Section 17, all in Township 5 North, Range 39 East, Boise Meridian, in Madison County, State of Idaho, together with all water rights of every kind and nature thereunto belonging or in anywise appertaining.

Commencing at the Southwest corner of the Northwest Quarter of the Northwest Quarter of Section 16, Township 5 North, Range 39 East, Boise Meridian, and running thence East 16 rods; thence North 5 rods; thence West 16 rods; thence South 5 rods to the place of beginning.

(hereinafter "the premises")

SUBJECT TO easements of record.

Also, the following fixtures and other personal property:

Pumps and Panels, irrigation equipment and irrigation fixtures.

Together with any and all water and water rights appurtenant to the premises, including but not limited to, all shares or interest held by Seller in the Liberty

Park Irrigation Company (understood to be 100 shares), all licenses and permits including license number 22-02270 from the Idaho Department of Water Resources.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining, unto the said Grantee, his heirs and assigns forever. Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that it is free from all encumbrances, and that it will warrant and defend the same from all lawful claims whatsoever, except as noted.

DATED This 28th day of March, 2005.

The Smith Family Intervivos Revocable Trust

Joyce B. Smith
By: **Joyce B. Smith**, Trustee

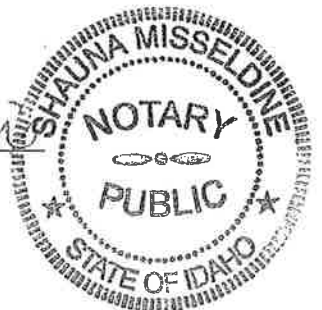
Joyce B. Smith
Joyce B. Smith
Individually

Acknowledgment by Trustee

STATE OF IDAHO,)
 ss.
County of Bonneville.)

On this 28th day of March, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared **Joyce B. Smith**, known to me to be person whose name is subscribed to the within instrument as the Trustee of the **Smith Family Intervivos Revocable Trust**, and acknowledged to me that she executed the same as such Trustee.

Shauna Misseldine
Notary Public for Idaho
Residing at: Shelley Id.
My Commission expires: 6-24-05



STATE OF IDAHO,)
 ss.
County of Bonneville.)

Warranty Deed - Page 3 of 3
F:\WP6\SB\SMITHBOY.WD

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 32859/22-2270 Priority March 29, 1966 Amount 3.33 cfs
(late proof)

THIS IS TO CERTIFY, that ERVIN B. SMITH
of Rexburg, Idaho, has complied with the terms and conditions of Permit
No. 32859/22-2270 issued pursuant to Application for Permit dated March 28, 1966,
and has submitted proof to the Department of Water Administration on May 4, 1971,
that he has applied water to a beneficial use: an examination by the Department indicates that the
works have a capacity of 3.33 cfs, and that the water has in fact been applied to a
beneficial use: a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:
Amount 3.33 cfs for Irrigation from April 1 to Nov. 1 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 3.33 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SE¹/₄ SE¹/₄ Sec. 17, Twp. 5 N, Rge. 39 E, B.M.

in the county of Madison; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 140 acre feet per year or
5.0 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	SEC.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				TOTALS
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
5 N	39 E	17																28	28

Total number of acres irrigated 28

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 10 day of
April, 1972.


Director

32859/22-2270

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use _____

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5 N	39 E	17																30	30A

Total number of acres irrigated 30 A

10. Remarks: This soil must be leached each year, requiring a high application rate. It is necessary to flood irrigate this land as it is alkali and needs to be washed out to sweeten the soil.

The above information is a true statement of the extent to which the above numbered permit has been developed.

April 29, 1971.
(Date)

Erwin B Smith
(Signature)

State of Idaho)
County of Madison) ss.

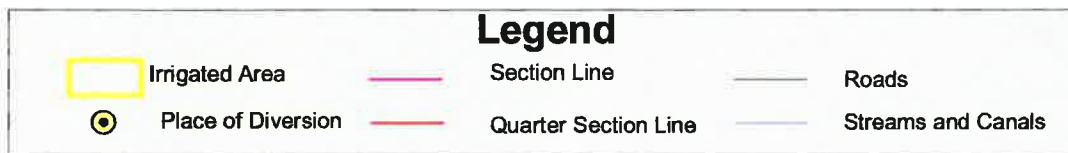
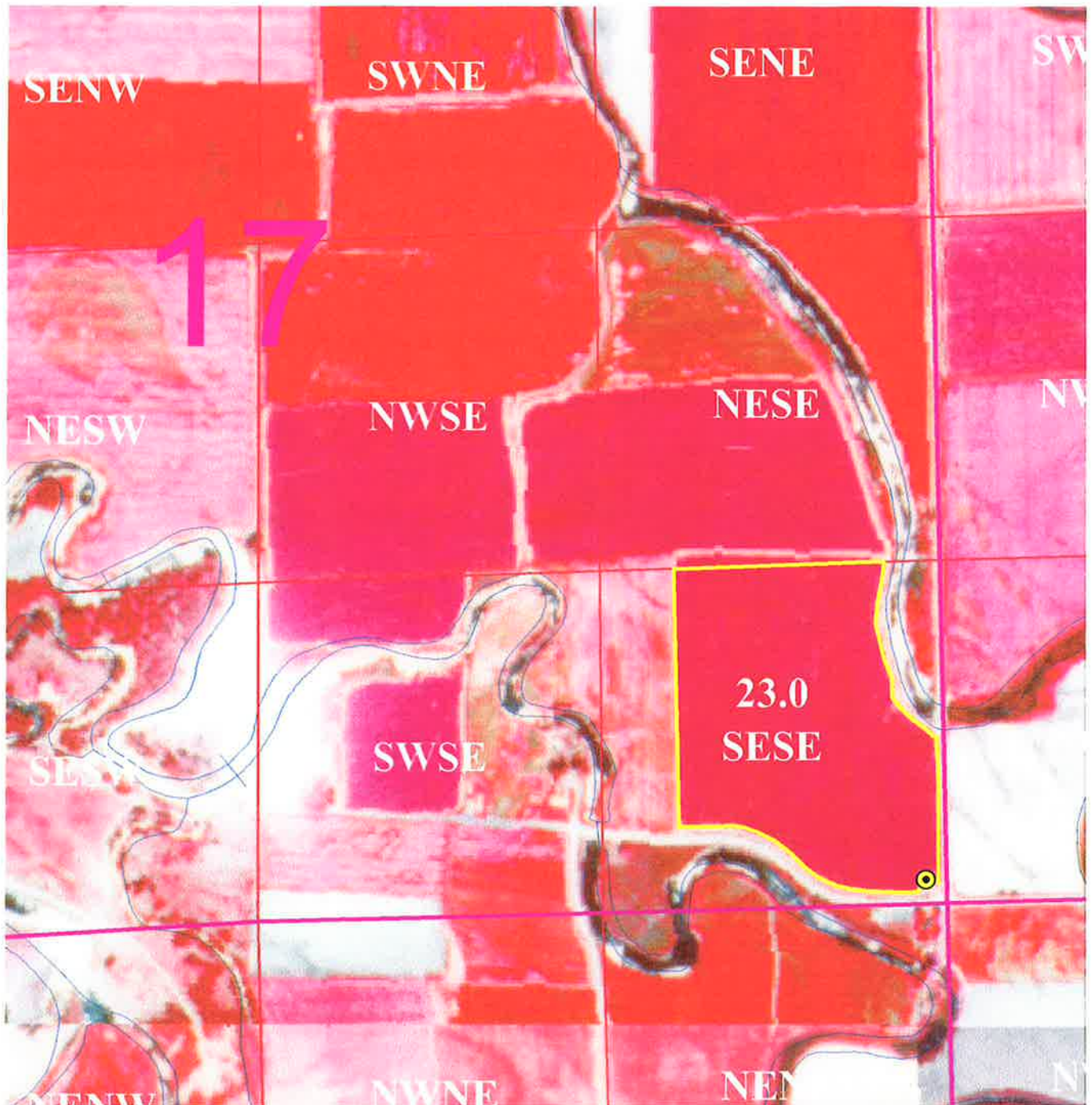
On this 29th day of April, 19 71, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Mary Smith
Notary Public residing at Rexburg, Idaho

My commission expires June 25, 1971

Water Right Claim Number 22-02270
Township , 5N39E

06/29/2001



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: A22-02270
Date Received: 7/25/1988
Receipt No: E000876
Received By: KCW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ERVIN B. SMITH 208-356-8315
Address: 4371 SOUTH 5500 WEST 83440
REXBURG, ID
OR
Name: JOYCE B. SMITH 208-356-8315
Address: 4371 SOUTH 5500 WEST 83440
REXBURG, ID



2. Date of Priority: MAR 29, 1966

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	39E	17	SE	SE			MADISON

5. Description of diverting works:
WELL PUMP MAINLINE WITH OPEN DISCHARGE FOR FLOOD IRRIGAION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.330		

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

8. Total consumptive use is 70.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	39E	17	SE	SE		IRR	28.0
Section Acres							28.0
Total Acres							28.0

11. Place of use in counties: MADISON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 32859

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):

Joyce B. Smith

Date:

7-25-88

Date:

State of Idaho

)

) SS.

County of

Bonneville

)

Subscribed and sworn (or affirmed) before me this 25th day

of

Idaho

19

88

Deena Green
Notary Public

Residing at

Rigby

My Commission Expires

4-22-1994



