

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T 6N, R 46E, Sec. 29,____,____,____. County: TETONSource: Little Dry Creek Tributary: TETON RIVER

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
<u>6N</u>	<u>46E</u>	<u>30</u>		<u>NWNESE</u>		<u>Little Dry Cr</u>
GPS Coordinates: _____						<u>Beginning</u>
<u>64</u>	<u>46E</u>	<u>30</u>		<u>NWSWSW</u>		<u>Little Dry Cr</u>
GPS Coordinates: _____						<u>ENDING</u>
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

What is Weaver Ditch about? AbandonedSource AKA Indian CrRemark

Transfers Changing POD _____

Reviewer: _____

Date: _____

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Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
6N	46E	30	S2SW					Trails
			SE					

Total Acres 200[±]

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
6N	46E	30	NESW					Stock
			SWSW					
			SUSW					
			NWSE					
			NESSE					

Total Acres _____

Document how the POU was verified:

Pre-stream Stock water Only

Transfers Changing POU _____

Reviewer: _____

Date: _____

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Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

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
Prong	4/15	9/15	4 ⁰	
Stockwater	1/1	12/31	0.01	

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
~~Prong~~				
Stockwater	1/1	12/31	0.01	

Overall Diversion Rate _____ Overall Diversion Volume _____

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

SOLD BY DORT STD IS 4/15 TO 10/31 - Claims 9/15 - why? Amount?
Stock @ 0.01/ds - Recommended

Perms. NOT Recommended.

Reviewer: _____

Date: _____

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JUN 22 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 24, 1999

TERESA L STURM
HOPKINS RODEN CROCKETT HANSEN & HOOPES PLLC
PO BOX 51219
IDAHO FALLS ID 83405-1219

RE: CHANGE OF WATER RIGHT OWNERSHIP FOR TWINING TO BOYD C. & JILL
J. SMITH TRUST

Dear Ms. Sturm:

Please refer to the following columns:

A22-00042	A22-00488	22-11544	A22-00208
A22-00063	A22-00489	22-12134	
A22-00130B		22-12135	
A22-00130D		22-12136	
A22-00136C		22-12137	
A22-00160			
A22-00312			
A22-00313			
A22-00481A			
A22-00482A			
A22-00483A			
A22-00487C			
A22-00515B			
A22-00516B			
A22-00517B			
A22-00616			
A22-02029			
A22-04040			

The first column represents the claims that have been changed into the name of Boyd C. & Jill J. Smith Trust. Copies of computer print-outs reflecting this change are enclosed.

The claims in the second column were combined together in 1997 to form a new claim, and this claim was renumbered to A22-13016. The name was changed on this claim to Boyd C. & Jill J. Smith Trust. A computer print-out of this change is enclosed.

The claims in the third column are all domestic and stock claims, currently before the Snake River Basin Adjudication Court in Twin

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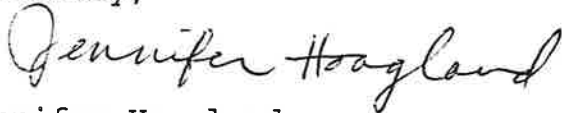
~ Celebrating Our Centennial Year of Service to Idaho 1805-2005 ~

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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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 ✓
cm

[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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[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)

Paul Charles Smith Date 30 Aug 96

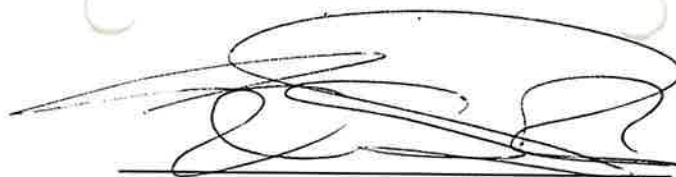
Gell Johnson Smith Date 8/30/96

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

Edmund S. Twining, III, Individually

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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

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JUN 22 2005

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: A22-04040
Date Received: 10/9/88
Receipt No: E00 3224
Received By: TO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EDMUND S. TWINING, III 208-456-2310
Address: P.O. BOX 101
TETONIA, ID 83452
AND
Name: SUSAN TWINING
Address: P.O. BOX 101
TETONIA, ID 83452



2. Date of Priority: JUN 29, 1900

3. Source: LITTLE DRY 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	SW			TETON

5. Description of diverting works:
WEAVER DITCH & LITTLE DRY CREEK.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15	4.000		
STOCKWATER	01/01	12/31	0.010		

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

8. Total consumptive use is 400.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/200 RANGE.

1.1 cfs STOCK WATER

A22-04040

Page 1

Date: 09/28/88

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MICROFILMED
OCT 29 1992

10. Place of Use:

[illegible]

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:

22-00063, 22-00312, 22-00313

22-0487

72-0489

22-0488

14. Remarks:

SOURCE ALSO KNOWN AS INDIAN CREEK.

15. Basis of Claim: STATUTORY CLAIM

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OCT 29 1992

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 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 Jerome) SS.

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

[Signature]
Notary Public

Seal

Residing at Bozzy, Idaho
My Commission Expires Life

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JUN 22 2005

MICROFILMED
OCT 29 1992

UNCLASSIFIED
OCT 29 1992

SCANNED

PROTECTED

40	40	40	40
20	20	20	20

LITTLE ROCK CREEK

Diversion

Twp 6 N
Rgs 46 E

EDMUND S. AND SUSAN TWINING III
Teton Ranch

P.O. Box 101

Teton, ID 83422

45-23-00

Legal DescriptionsTeton 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 DeedsTeton 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
of Sec. 31

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 31

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 11 1994

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Welfare Farm

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

Stillers Run

22-0063 (DECREE)

Source: ~~South~~ 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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22-0488 (DECREE)

Source: North Leigh Creek
Amount: .7 cfs
Priority Date: June 1, 1899
Use: Irrigation
Place of Use: SE¼, 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: SE¼, 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: S¼, Section 30, Twn 6 N., Rge 46
NE EBM
Diversion: NE¼SW¼, Section 29, Twn. 6 N., Rge 46
EBM
Published: Teton Valley News
July 31, 1980 & August 1, 1980

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

Source: Well
Amount: 6.4 cfs
Date: August 31, 1977
Use: Irrigation and Stock Water
Place of Use: S¼ Section 30, Twn. 6 N., Rge 46
EBM
Diversion: SE¼SE¼ 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.

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Galloway Hills

Water right unknown

Domestic Wells

A22-12134 Teton Ranch

Location: SE³²NW³², Sec. 8, Twn. 6 N., Rge 46 EBM

Size: 6"

Depth: Unknown

History: Estimated 50 years *Nov 7, 1923*

Use: Domestic: 2 homes, stock water

600 head of stock

Stillers Run

done
2/27/87
A22-12135

x(1) Location: NW^{SW}SW^{SW}, Sec. 30, Twn 6 N, Rge 46 EBM

Size: 6"

Depth: Unknown

History: Estimated 50 years *Nov 7, 1923*

Use: Domestic - 1 house, stock water

A22-12136

(2) New South Well

Location: NW^{SW}SW^{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

A22-12127

(3) New North Well

Location: NW^{SW}SW^{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.

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APR 11 1994

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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	06/29/1900	IRRIGATION STOCKWATER	04-15 09-15 01-01 12-31	4.00 CFS 0.01 CFS	
				TOTAL DIVERSION: CONSUMPTIVE USE:	4.00 CFS	400.00 AFA

Water Source: LITTLE DRY CREEK

Tributary to: TETON RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion: T06N R46E S29 NWSW

TETON County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE																	
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	SENE	:	Lt	Ac	Lt	Ac	Lt	Ac	SENW	:	Lt	Ac	Lt	Ac	SESE	:	Lt	Ac	Lt	Ac	SESE	:	SUM
06N	46E	30	:								:								:													
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Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: TETON

Non-Irrigation Uses: S/200 RANGE.

Other Rights: 22-00063, 22-00312, 22-00313

Remarks: GEN SOURCE ALSO KNOWN AS INDIAN CREEK.
CHANGED OWNERSHIP PER REQUEST/JH/6-23-99

Dates: **Exam Made Date:** **Verified Date:** **Objection Filed Date:**

Misc: Water District Number: 01 Field Inspection Flag:
Presumption Flag:

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JUN 22 2005

RECEIVED

24

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

19

NORTH

LEIGH

25 CANAL

Creek

RICKS

Creek

30

Stillers Run Ranch

22-0063

22-0489

22-0312

22-4040 Little

22-0313

22-7258

22-0487

22-0488

Gallo-
Way

Welfare
22-0042

Teton Ranch

22-0160T2135

22-0616T2135

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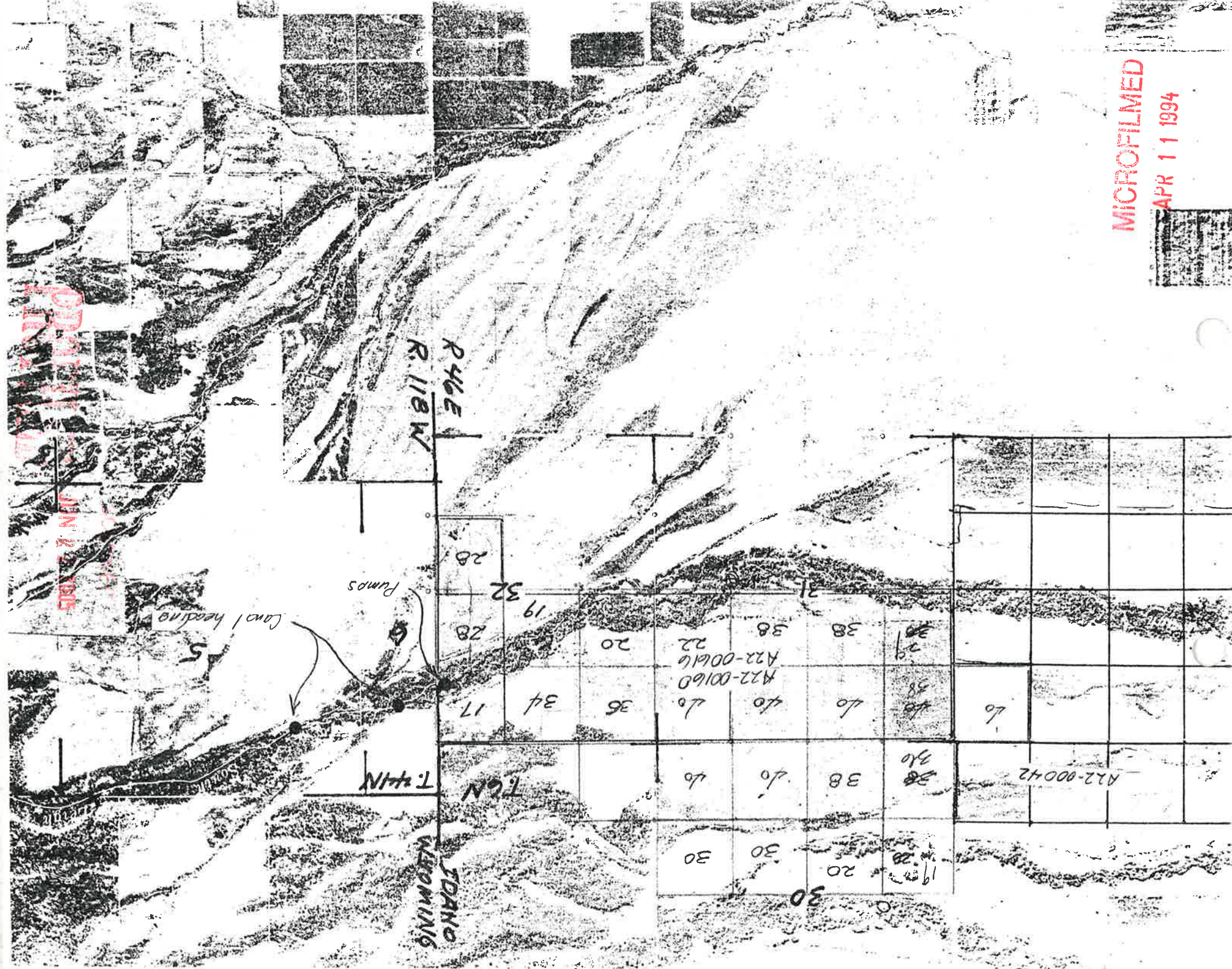
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APR 11 1994



Twp 6N
Rte 46E

Weaver Ditch
Heading

North Lesh Creek

43	20	30	30
19		30	30
A22-00063		A22-00487C	
L4		A22-00488	
36	38	40	40

PROFILING

SCANNED
2005-11-08

MICROFILMED
APR 11 1984

RIGHT NUMBER: 22-4040

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

SOURCE: LITTLE DRY CREEK

QUANTITY: 0.010 CFS

TRIBUTARY: SINKS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/29/1900

POINT OF DIVERSION:

T06N R46E S30 NWSWSW End of Stream Flow Within TETON County

T06N R46E S30 NENESE Begin of Stream Flow Within TETON County

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.010 CFS

T06N R46E S30	NESW	T06N R46E S30	SWSW
T06N R46E S30	SESW	T06N R46E S30	NESE
T06N R46E S30	NWSE		

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

PROFILED

SCANNED
JUN 22 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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 10, 2005

B C SMITH
3201 ASH ST
PALO ALTO CA 94306-2240

FINAL NOTICE

PLEASE READ

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-04040

Dear Claimant (s):

The Idaho Department of Water Resources is beginning water rights review in Basin 22, the Teton Valley area. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date JUNE 29, 1900, from LITTLE DRY CREEK.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**". **PLEASE READ THE ENCLOSED PAMPHLET.**

PROFILED

No Reply

SCANNED

JUN 22 2005

March 3, 2004

**B C SMITH
3201 ASH ST
PALO ALTO CA 94306-2240**

MAILED
3/3/04

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-04040

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 23, the Swan Valley area. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of JUNE 29, 1900, from LITTLE DRY CREEK.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

SCANNED

JUN 22 2005

PROFILED

DD
8/16/04

This property is currently owned
by Boyd/goldsmith.

Little Boy Creek does run through
the property, but they have installed
a pump and sprinkler system to
irrigate this ground

Rules to claim #22/3016 for map, PDD4
PDD info.

PROTECTED

JUN 22 2005

Claim no. 22-4040

Claimant Contact Log

Date	Remarks	Agent initials
------	---------	----------------

3/3/04	MAILED REQUEST OF PRIORITY ENDORSEMENT - NO REPLY	
--------	---	--

2/10/05	MAILED REQUEST OF PRIORITY ENDORSEMENT - NO REPLY	
---------	---	--

RECOMMEND ONLY EN-STROM STOCK -

PROFILED

SCANNED
JUN 22 2005

Contacts Data Entry Form

Water Right No. 22-4000

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	<u>Boyd Smith</u>					
Name connector: and	<u>or</u> , and/or					
Current Owner	<u>C/o FILED 9/96</u>					
Current Owner						
Representing Attorney:						Phone Number:
Accompanied By:						Phone Number:
Relationship to Claimant:						
Date of Field Exam:						Time:

Directions to Property (if different from above) and/or update owner information:

Saturday Claims § 42-243.Recommend as INSTREAM Stockwater onlyN11
N13

Problem: Claims 1900 Priority. Pre-dates LEIGH CROOK CANAL CO.
VS. L. CANADIAN (WM), 24 JANUARY 1938 - ALTHOUGH SAME GEOGRAPHIC
AREA THE REFERENCE DEEDS DOES NOT ADDRESS Little Dry Cr.

FE: POD/POW, Photo/W/S, System/Conveyances Prior Decs?
Overlap Rts: 22-63, 312, 313
Q: 22-487, 488, 489? How DO, OR DO THEY, FIT?

Reviewer: _____

Date: _____

PROFILED

SCANNED
JUN 22 2005

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 6/29/1900 Claimed Basis: BU

Recommended Priority Date: _____ Recommended Basis: _____

☐ 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:

3/3/04 Priority EVIDENCE REQUEST SENTSEE Problem NOTE ON CONTACT pg.

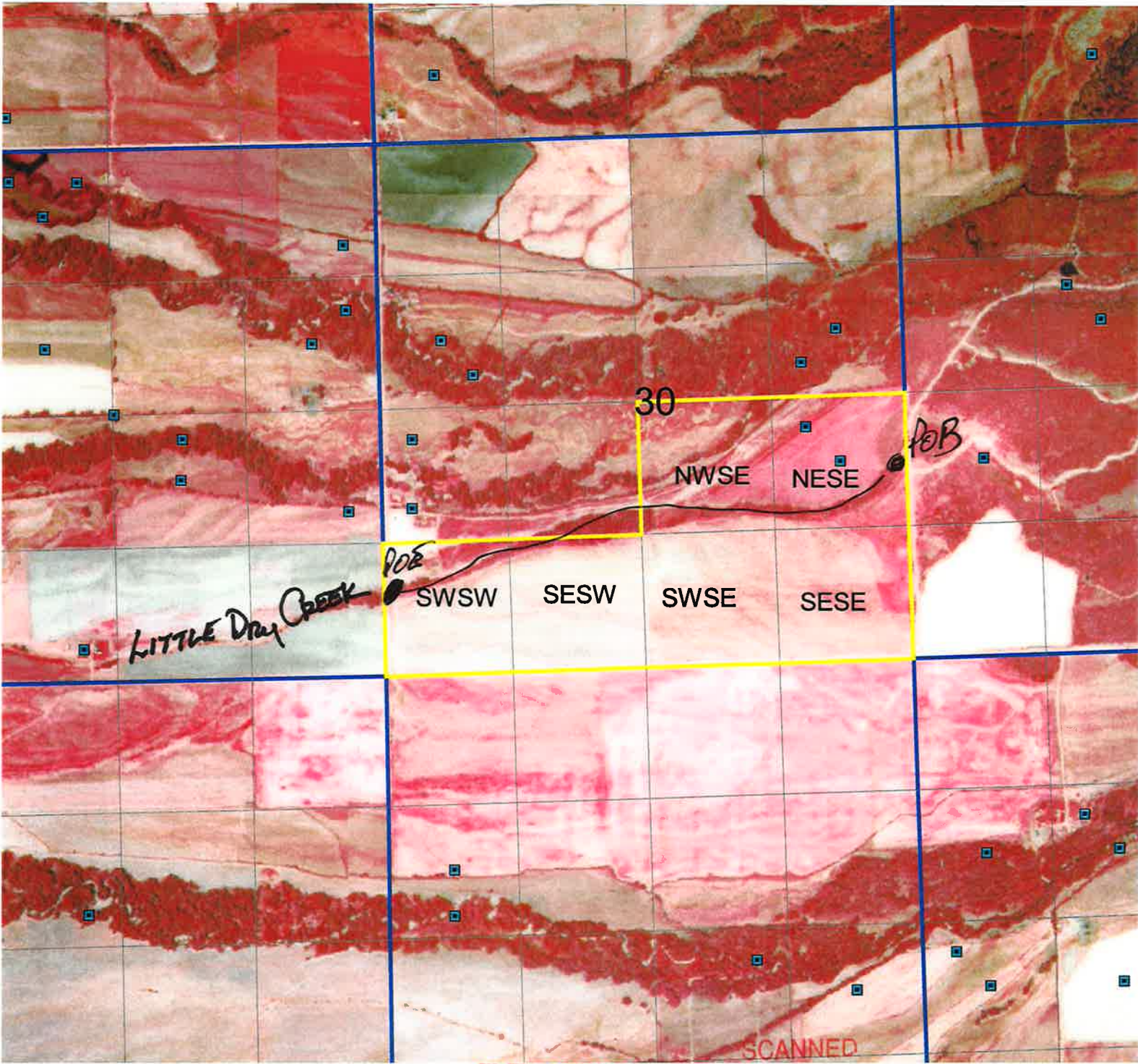
Reviewer: _____

Date: _____

PROFILED

SCANNED
JUN 22 2005

22-4040
6N 46E



PROTECTED

SCANNED
JUN 22 2005

