

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

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 1.640 CFS
287.00 AFY
PRIORITY DATE: 10/22/1980
POINT OF DIVERSION: T06N R40E S29 SENESE Within MADISON County
PURPOSE AND
PERIOD OF USE:

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

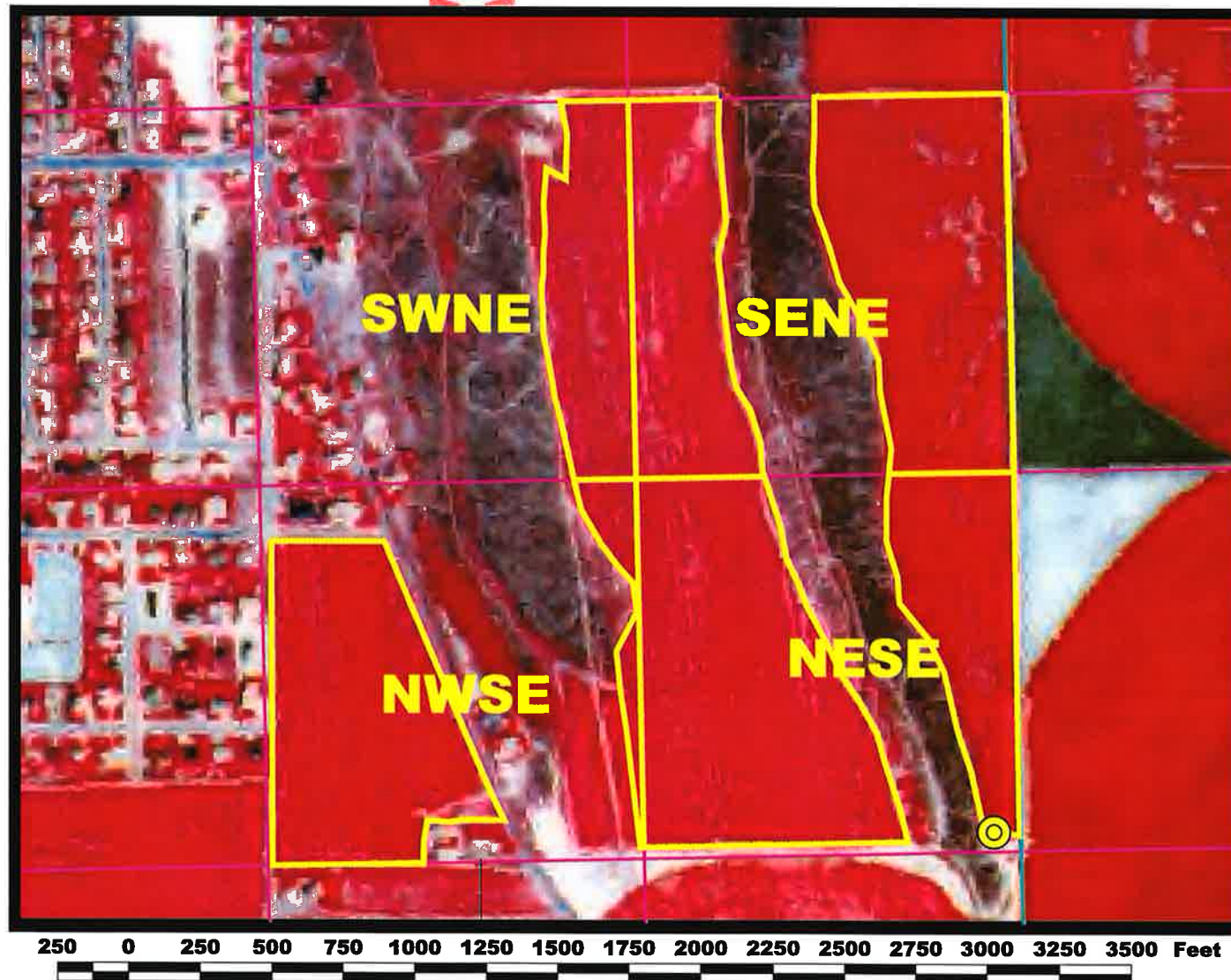


FILED
FEB 10 2005
SCANNED

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-07336

Place of Use: (parts of)
T6N, R40E
Sec. 29 S2NE, N2SE

Point(s) of Diversion:
T7S, R36E
Sec. 29 SENESE

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: May 2004



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

JAMES E. RISCH
Governor

KARL J. DREHER
Director

October 5, 2006

JULIE BUTLER
SALLY SMITH
SUSANN SMITH
460 ROLLING HILLS DR
REXBURG ID 83440

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 22-7336

Dear Claimants:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Jennifer Crabtree
Technical Records Specialist

Enclosure

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

OK
JC
10-5-06

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
22-07336					

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)

A Lyle Smith

4. New Owner/Claimant(s)

Julie Butler, Sally Smith, Susann Smith

Name Connector (Check one): ☒ and, ☐ or, ☒ and/or

New Mailing Address

460 Rolling Hills Dr

City, State and ZIP Code

Rexburg, ID 83440

New Telephone Number

208 356-7552

5. Date you acquired the property

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other		
Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other		
Total		

7.

Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Sally Ann Smith

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by

Date

Fee

Receipted by

Date

Receipt No.

Processed by

AJ

Date

WR

Date

WHEN RECORDED RETURN TO:
 Billy G. DuPree, Jr.
 P.O. Box 723
 Rexburg, Idaho 83440

Instrument # 331289

REXBURG, MADISON, IDAHO

2006-09-20

04:49:00 No. of Pages: 5

Recorded for : FIRST AMERICAN TITLE

MARILYN R. RASMUSSEN

Ex-Officio Recorder Deputy

Fee: 15.00

This Document is being re-recorded to correct the Notary Acknowledgement
DEED OF DISTRIBUTION BY CO-PERSONAL REPRESENTATIVES

THIS DEED, made by Juliann Butler, Sally Ann Smith and Susann Smith, as Co-Personal Representatives of the estate of Alvin Lyle Smith, deceased, referred to herein as Grantors, to Susann Smith, as her sole and separate property, P.O. Box 622, Santa Clara, Utah 84765, referred to herein as Grantee.

WHEREAS, Grantors are the qualified Co-Personal Representatives of said estate, filed as Case Number CV06-423, in Madison County, Idaho; and

WHEREAS, Grantee is entitled to distribution of the hereinafter described real property;

THEREFORE, Grantors quitclaim, transfer and convey to Grantee an undivided one-sixth (1/6th) interest in the real property situated in Madison County, Idaho, described on the attached Exhibit A.

EXECUTED this 19th day of September, 2006.


 Juliann Butler

Co-Personal Representative of the
 Estate of Alvin Lyle Smith, Deceased


 Sally Ann Smith

Co-Personal Representative of the
 Estate of Alvin Lyle Smith, Deceased

Instrument # 331247

REXBURG, MADISON, IDAHO

2006-09-19

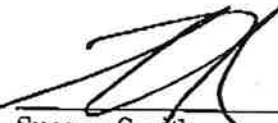
11:28:00 No. of Pages: 4

Recorded for : SALLY SMITH

MARILYN R. RASMUSSEN

Ex-Officio Recorder Deputy

Fee: 12.00



Susann Smith

Co-Personal Representative of the
 Estate of Alvin Lyle Smith, Deceased

Received Time Sep. 26. 12:55PM

WHEN RECORDED RETURN TO:
Billy G. DuPree, Jr.
P.O. Box 723
Rexburg, Idaho 83440

Instrument # 331287
REXBURG, MADISON, IDAHO
2006-09-20 04:47:00 No. of Pages: 5
Recorded for: FIRST AMERICAN TITLE
MARILYN R. RASMUSSEN Fee: 15.00
Ex-Officio Recorder Deputy

This document in being re-recorded to correct Notary Acknowledgement
DEED OF DISTRIBUTION BY CO-PERSONAL REPRESENTATIVES

THIS DEED, made by Juliann Butler, Sally Ann Smith and Susann Smith, as Co-Personal Representatives of the estate of Alvin Lyle Smith, deceased, referred to herein as Grantors, to Juliann Butler, a married woman, as her sole and separate property, 11717 General Puller Hwy., Hartfield, Virginia 23071, referred to herein as Grantee.

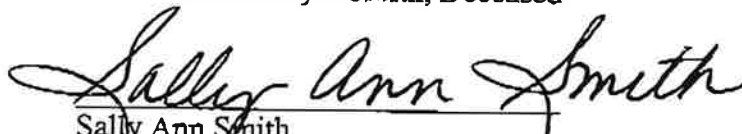
WHEREAS, Grantors are the qualified Co-Personal Representatives of said estate, filed as Case Number CV06-423, in Madison County, Idaho; and

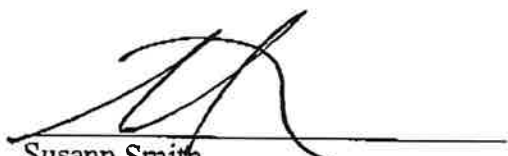
WHEREAS, Grantee is entitled to distribution of the hereinafter described real property;

THEREFORE, Grantors quitclaim, transfer and convey to Grantee an undivided one-sixth (1/6th) interest in the real property situated in Madison County, Idaho, described on the attached Exhibit A.

EXECUTED this 19th day of September, 2006.


Juliann Butler
Co-Personal Representative of the
Estate of Alvin Lyle Smith, Deceased


Sally Ann Smith
Co-Personal Representative of the
Estate of Alvin Lyle Smith, Deceased


Susann Smith
Co-Personal Representative of the
Estate of Alvin Lyle Smith, Deceased

Instrument # 331245
REXBURG, MADISON, IDAHO
2006-09-19 11:26:00 No. of Pages: 4
Recorded for: SALLY SMITH
MARILYN R. RASMUSSEN Fee: 12.00
Ex-Officio Recorder Deputy

Received Time Sep. 26. 12:55PM

WHEN RECORDED RETURN TO:

Billy G. DuPree, Jr.

P.O. Box 723

Rexburg, Idaho 83440

This document is being re-recorded to correct the Notary Acknowledgement

DEED OF DISTRIBUTION BY CO-PERSONAL REPRESENTATIVES

THIS DEED, made by Juliann Butler, Sally Ann Smith and Susann Smith, as Co-Personal Representatives of the estate of Alvin Lyle Smith, deceased, referred to herein as Grantors, to Sally Ann Smith, a married woman, as her sole and separate property, 460 Rolling Hills, Rexburg, Idaho 83440, referred to herein as Grantee.

WHEREAS, Grantors are the qualified Co-Personal Representatives of said estate, filed as Case Number CV06-423, in Madison County, Idaho; and

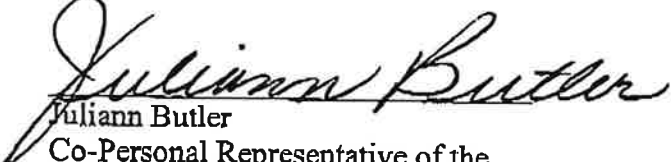
WHEREAS, Grantee is entitled to distribution of the hereinafter described real property;

THEREFORE, Grantors quitclaim, transfer and convey to Grantee an undivided one-sixth (1/6th) interest in the real property situated in Madison County, Idaho, described on the attached Exhibit A.

EXECUTED this 19th day of September, 2006.

Instrument # 331288

REXBURG, MADISON, IDAHO
2006-09-20 04:48:00 No. of Pages: 5
Recorded for: FIRST AMERICAN TITLE
MARILYN R. RASMUSSEN Fee: 15.00
Ex-Officio Recorder Deputy


Juliann Butler
Co-Personal Representative of the
Estate of Alvin Lyle Smith, Deceased


Sally Ann Smith
Co-Personal Representative of the
Estate of Alvin Lyle Smith, Deceased

Instrument # 331246

REXBURG, MADISON, IDAHO
2006-09-19 11:27:00 No. of Pages: 4
Recorded for: SALLY SMITH
MARILYN R. RASMUSSEN Fee: 12.00
Ex-Officio Recorder Deputy


Susann Smith
Co-Personal Representative of the
Estate of Alvin Lyle Smith, Deceased

Received Time Sep. 26. 12:55PM

EXHIBIT A

Real Property Description

Township 4 N., Range 40 E., Boise Meridian, Madison County, Idaho.

Section 2: Lot 2; SW1/4NE1/4

Section 3: Lots 1 and 2

Township 6 North, Range 40 E.B.M., Madison County, Idaho.

Section 29: S1/2NE1/4; N1/2SE1/4. EXCEPTING THEREFROM the following 8 parcels:

Parcel 1: Commencing at a point that is S. 0°08' E. along the 1/4 section line 1356.0 feet from the NW corner of the NE1/4 of Section 29, Township 6 North, Range 40 E.B.M., and going thence S. 15°12' E. 1318.6 feet; thence S. 21°37' E. 1280.0 feet; thence S. 25°07' E. 132.0 feet; thence S. 89°42' E. 443.5 feet; thence N. 05°46' W. 729.7 feet; thence N. 14°31' W. 381.0 feet; thence N. 11°01' W. 736.0 feet; thence N. 03°11' E. 768.58 feet; thence W. 1049.84 feet more or less to the Point of Beginning.

Parcel 2: Commencing at a point 1 rod N. of the SW corner of the NE1/4 of Section 29, Township 6 North, Range 40 E.B.M., Madison County, Idaho, and running thence E. 297 feet; thence N. 13°18'33" W. 1301.0 feet; thence S. 0°08' E. along 1/4 section line 1266 feet, more or less, to the Point of Beginning.

Parcel 3: Commencing at a point 1 rod N. of the SW corner of the NE1/4 of Section 29, Township 6 North, Range 40 E.B.M., and running thence E. 297 feet; thence S. 13°18'33" E. 1 rod, more or less, to the South line of said NE1/4; thence W. 298 feet, more or less, to the SW corner of said NE1/4; thence N. 1 rod to the Point of Beginning.

Parcel 4: Commencing at a point 298 feet E. of the SW corner of the NE1/4 of Section 29, Township 6 North, Range 40 E.B.M., Madison County, Idaho and running thence N. 13°18'33" W. 1317.5 feet, more or less to a point that is 1357.5 feet South of the NW corner of the NE1/4; thence N. 0°08' W. 1.5 feet; thence S. 15°12' E. 1318.6 feet; thence S. 21°37' E. to a point on the South line of the NE1/4 of said Section 29; thence W. 50 feet, more or less to the Point of Beginning.

Parcel 5: Beginning at a point that is S. 0°08' E. 1356.0 feet and E. 1935.0 feet from the NW corner of Section 29, Township 6 North, Range 40 E.B.M., Madison County, Idaho, and running thence S. 3°03' E. 468.0 feet; thence S. 20°48' E. 310 feet; thence S. 12°48' E. 1081.80 feet; thence S. 20°48' E. 254.33 feet; thence S. 67°56'08" W. 218.38 feet; thence N. 27°18' W. 272.32 feet; thence N. 18°53' W. 1163.30 feet; thence N. 5°03'15" W. 792.17 feet; thence E. 307.90 feet, more or less to the Point of Beginning.

Received Time Sep. 26. 12:55PM

Parcel 6: Commencing at a point that is 1335.3 feet South and 2362.5 feet East of the NW corner of SE1/4, Section 29, Township 6 North, Range 40 E.B.M., Madison County, Idaho, and running thence N. $13^{\circ}07'$ W. 524.0 feet; thence N. $67^{\circ}56'08''$ E. 157.65 feet; thence S. $8^{\circ}47'$ E. 216.0 feet; thence S. $11^{\circ}17'$ E. 224.0 feet; thence S. $13^{\circ}07'$ E. 141.0 feet; thence N. $89^{\circ}37'$ W. 136.0 feet to the Point of Beginning.

Parcel 7: Beginning at a point which is S. $0^{\circ}08'$ E. 2637.64 feet and E. 180.00 feet from the NW corner of the NE1/4 of Section 29, Township 6 North, Range 40 E.B.M., Madison County, Idaho, and running thence E. 134.34 feet; thence S. $21^{\circ}37'$ E. 147.36 feet; thence W. 188.47 feet; thence N. $0^{\circ}08'$ W. 137.00 feet to the Point of Beginning.

Parcel 8: Beginning at a point that is S. $0^{\circ}08'$ E. 2637.64 feet from the NW corner of the NE1/4 of Section 29, Township 6 North, Range 40 E.B.M., Madison County, Idaho, and running thence E. 180 feet; thence S. $0^{\circ}08'$ E. 137 feet; thence W. 180 feet; thence N. $0^{\circ}08'$ W. 137 feet to the Point of Beginning. LESS 25 feet on the West side for Shoshone Avenue.

Exhibit A - Page 2

Received Time Sep. 26. 12:55PM

05/05/2004

**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: 22-7336

RUTH SMITH
512 S MILL HOLLOW RD
REXBURG ID 83440
Telephone Number: (208)356-5678

A LYLE SMITH
512 S MILL HOLLOW RD
REXBURG ID 83440
Telephone Number: (208)356-5678

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:

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

DATE: 2-7-05 SIGNATURE: A. Lyle Smith
Please print your name: A. LYLE SMITH

IDWR Regional Office,

SCANNED
FEB 15 2005

PROFILED

RECEIVED
FEB 14 2005
Department of Water Resources
Eastern Region

PROFILED

MEMORANDUM

SCANNED

FEB 10 2005

DATE: September 2, 2003

TO: File

FROM: Jennifer Crabtree, Technical Records Specialist

RE: Incorrect split of 22-7336

Per ownership change from Smith - Sipherd, I split 22-7336 into 22-13272, 22-13273. Allen Ruberry informed me this was a mistake because the Smith's have been illegally irrigating property not part of the original license. It was this illegally irrigated property that was purchased by the Sipherds. Therefore, I had Dave Grindle delete the splits and informed the claimants of the error.

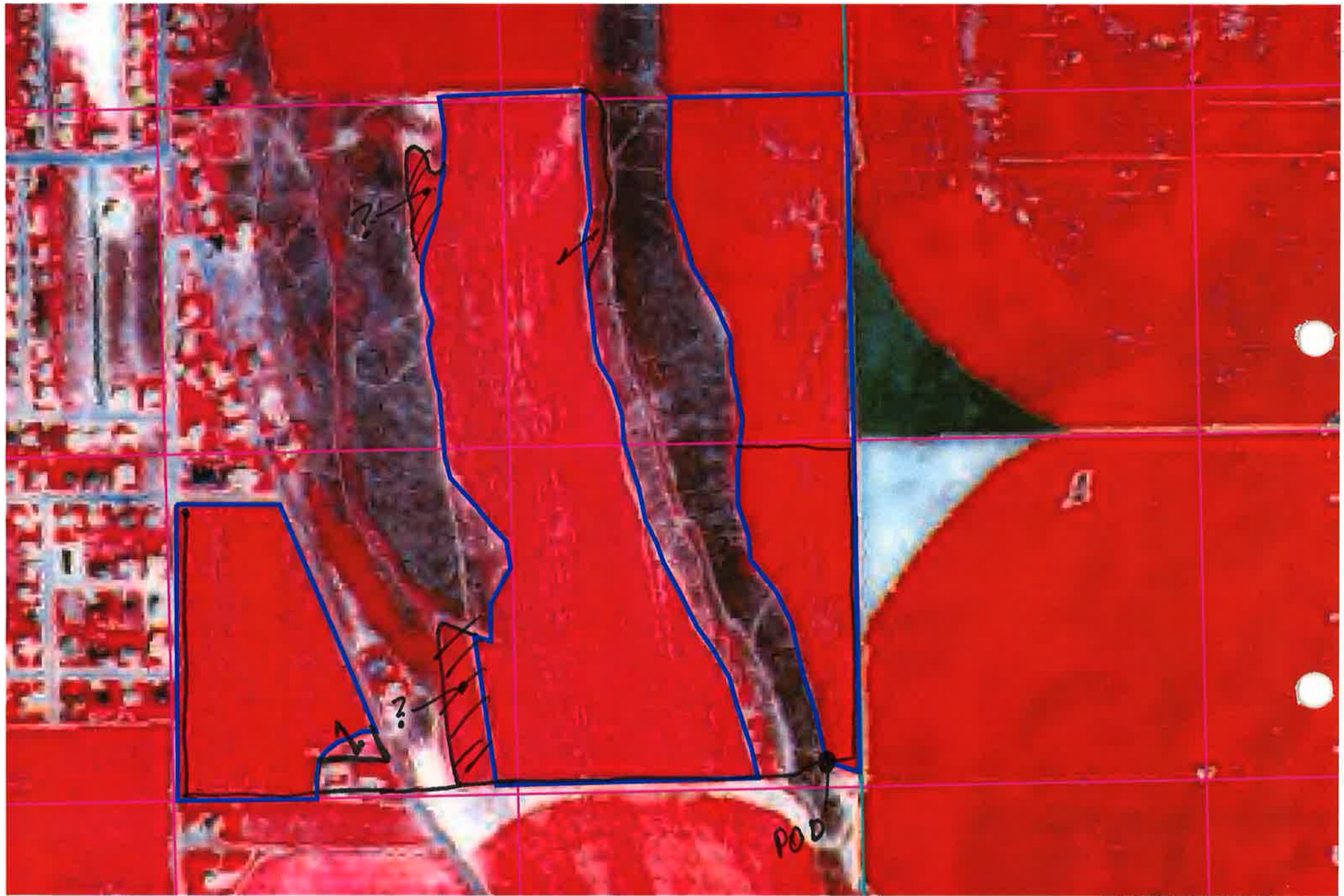
10/6/03 MR. SIPHERD CALLED. DISCUSSION AS TO WHY THE SPLITTING OF THIS WATER RIGHT WAS REVOKED. THE REASON: MR. SIPHERD BOUGHT THE LAND FROM A. LYLE SMITH'S FATHER SOMETIME AROUND 1974. MR. SMITH'S WELL WAS DRILLED CIRCA 1980 (PRIORITY DATE). ACCORDING TO THE LICENSE EXAM THE SIPHERD PARCELS (ONE NORTH AND ONE SOUTH) WERE NOT INCLUDED IN THE RECOMMENDATION FOR THE LICENSE, ALTHOUGH, ACCORDING TO MR. SMITH THOSE SLIVERS HAVE RECENTLY BEEN IRRIGATED.

ANALYSIS: MR. SIPHERD BOUGHT THE LAND CIRCA 1974. APPARENTLY NO WATER RIGHT ATTACHED.

MR. SMITH DRILLED THE WELL CIRCA 1980. THE SLIVERS OF MR. SIPHERD'S WERE NOT INCLUDED IN THE LICENSE EXAM. BUT, MR. SMITH DOES ADMIT HE HAS BEEN IRRIGATING THEM SINCE HE HAS BEEN 'RENTING/LEASING' THE GROUND.

REVOCATION OF THE SPLIT:

1. THERE WAS NEVER A WATER RIGHT APPURTENANT TO THE LANDS. ALTHOUGH IRRIGATED ILLEGALLY BY MR. SMITH THE LAND IS OWNED BY SIPHERD. AN ENLARG CLAIM IS NOT POSSIBLE.



Water Right(s): 22-7336

NOTES:

10 2005

Areas w/ ? maybe on Sept (?) property. If so, Pool of those
Areas does not go on this license. Recommendations of Owner Survey
Platted for exact Prop. Lines

EXAM MAP

Basin 22 Project

Examiner: ASL

Date: 4/30/04



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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 2, 2003

ROBERT M SIPHERD ET AL
2019 E MAPLE HOLLOW WAY
BOUNTIFUL UT 84010

RE: MISTAKE SPLITTING ADJUDICATION CLAIM 22-7336

Dear Mr. Sipherd:

A few days ago I mailed you a new water right (22-13273) which was 3.3 acres split off property in Madison County, Idaho owned by A. Lyle and Ruth Smith. Unfortunately, I made this change in error. Mr. Smith has been irrigating this property illegally and has no water rights for the property. There are no water rights for the 3.3 acres you purchased.

I have deleted 22-13273 from our system and am returning your original ownership change request.

If you have questions about this matter, please contact Senior Water Agent Allen Ruberry after September 22nd as he will be out of the office until then.

I apologize for any inconvenience this may have caused.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Crabtree".

Jennifer Crabtree
Technical Records Specialist

Enclosure

cc: A. Lyle and Ruth Smith

SCANNED
FEB 10 2005

PROFILED



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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 22, 2003

MAURICE & GLADYS SIPHERD
JOHN & JANICE SIPHERD
DAVID & JANET SIPHERD
ROBERT & JEAN SIPHERD
2019 E MAPLE HOLLOW WAY
BOUNTIFUL UT 84010

RE: CHANGE IN OWNERSHIP FOR 22-7336

Dear Claimants:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

22-7336 split into:

22-13272: 78.7 acres, 1.57 cfs, Smith

22-13273: 3.3 acres, 0.07 cfs, Sipherd

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jennifer Crabtree".

Jennifer Crabtree
Technical Records Specialist

SCANNED

FEB 10 2005

PROFILED

Water Right No(s). 22-7336



GPS DATA:

Tag # : AO013606

Location: on Electrical Panel

Diversion Data:

Source: Ground water

Trib to:

MOTOR

Make: GE

Model:

Hp: 125

SN: ENJ504124

PUMP

Make: AURORA

Model: VERT-LINE

Disch: 8" SN: NO TAG

NOTES:

Field Exam Date: 30 APRIL 2004

Agent: A. Ruberry

SCANNED

FEB 10 2005

PROFILE

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07336

Priority: December 9, 1980 Amount: 1.64 CFS 287.0 AFA

This is to certify, that A. LYLE SMITH
660 MILL HOLLOW RD.
REXBURG, ID 83440

has complied with the terms and conditions
of the permit issued pursuant to Application for Permit dated October 22, 1980, and
has submitted proof to the Department of Water Resources on June 27, 1985, that
water has been applied to a beneficial use; an examination by the Department indicate
that the works have a diversion capacity of 1.770 cfs of water from a GROUNDWATER
source and that a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	VOLUME
IRRIGATION	04/01 to 11/01	1.64 CFS	287.0 AFA
LOCATION OF POINT OF DIVERSION(S):		NESE , Sec. 29, Township 06N, Range 40E MADISON County	

PLACE OF USE: IRRIGATION

TWN RGE SEC	ACRES	ACRES	ACRES	TOTAL
06N 40E 29	SWNE 7 NWSE 21	SENE 27	NESE 27	82
Total number of acres irrigated:				82

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 25TH
day of FEBRUARY, 1989.

Director

MICROFILMED

MAR 03 1989

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07336

REC'D
JAN 20 1989

Department of Water Resources
APPROVED

Date of Priority: December 9, 1980

Comes now A. LYLE SMITH
660 MILL HOLLOW RD.
REXBURG, ID 83440

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 22-07336, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
IRRIGATION	04/01 to 11/01	1.64 CFS	287.0 AFA
<u>LOCATION OF POINT OF DIVERSION(S):</u>		NESE , Sec. 29, Township 06N, Range 40E MADISON County	

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N 40E 29	SWNE 7 NWSE 21	SENE 27	NESE 27	82

Total number of acres irrigated: 82

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at 4:00 PM, this 14 day of JANUARY, 1989.

MICROFILMED

MAR 03 1989

A. Lyle Smith
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07336

FOR DEPARTMENT USE ONLY

Preliminary check by KW Fee = \$20.00 ✓ Received by CP Date 1/23/87

ACTION OF THE DEPARTMENT OF WATER RESOURCES 2005238

I, R. Keith Higginson, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 22-07336 with the following;

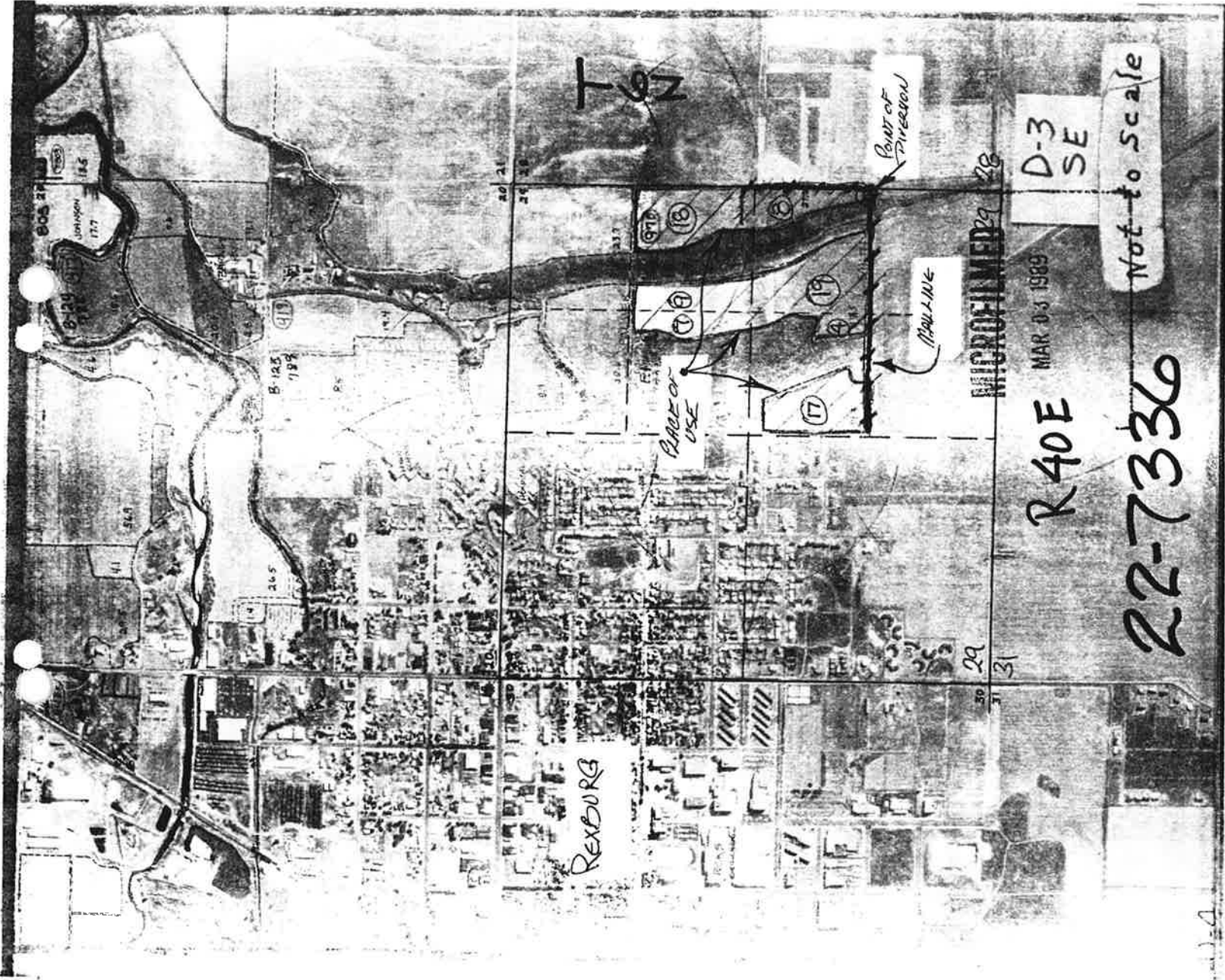
CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

Witness my hand this 25TH day of FEBRUARY, 1987.

R. Keith Higginson
(Director)





Rexburg

R40E

MAR 03 1989

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SE

Not to Scale

MICROFILMED 29 28

Point of Diversion

Mouline

Back of Use

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1-1-4

22-1536

REXBURG (BM 4865)

Courthouse

Park

Rigby Hosp

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WARRANTY DEED

For Value Received

MERLIN R. MUIR and ELAINE B. MUIR, husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto MAURICE R. SIPHERD and GLADYS W. SIPHERD, his wife; JOHN W. SIPHERD and JANICE T. SIPHERD, his wife; DAVID R. SIPHERD and JANET H. SIPHERD, his wife; ROBERT M. SIPHERD and JEAN H. SIPHERD, his wife,

the grantees, the following described premises, to-wit:

Commencing at a point that is South 0°08' East along the Quarter Section line 1356 feet from the Northwest corner of the Northeast Quarter of Section 29, Township 6 North, Range 40 East, Boise Meridian, in Madison County, Idaho, and running thence South 15°12' East 1318.6 feet; thence South 21°37' East 1280 feet; thence South 25°07' East 132 feet; thence South 89°42' East 443.5 feet; thence North 05°46' West 729.7 feet; thence North 14°31' West 381 feet; thence North 11°01' West 736 feet; thence North 03°11' East 768.58 feet; thence West 1049.84 feet more or less, to the point of beginning.

Subject to Mortgage dated April 1, 1965, executed by Merlin R. Muir and Elaine B. Muir, his wife, to Alvin Smith or Ruby Smith, with a balance of \$6,000.00, recorded April 28, 1965 under rec-order's instrument No. 126623, records of Madison County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all incumbrances except as above described.

and that they will warrant and defend the same from all lawful claims whatsoever.
Dated: March 29, 1974.

13011

STATE OF ~~Calif~~ ^{Idaho}, COUNTY OF ~~San Francisco~~ ^{Madison}
On this 29th day of March, 1974,
before me, a notary public in and for said State, personally
appeared Merlin R. Muir and
Elaine B. Muir

STATE OF IDAHO, COUNTY OF ~~Madison~~ ^{Idaho}
I hereby certify that this instrument was filed for record at
the request of W. B. Kennedy

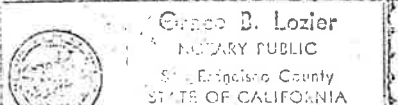
at 30 minutes past 4 o'clock P.m.,
this 3rd day of April,
1974, in my office, and duly recorded in Book
of Deeds at page 152047

Nellis H. Garner
Ex-Officio Recorder

By Wanda Hall Deputy.

Fees \$ 1.00

Mail to: W. B. Kennedy



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

Grace B. Lozier
Notary Public, Idaho

Residing at
Comm. Expires Aug 10, 1975

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: A22-07336
Date Received: 7/06/1988
Receipt No: E000640
Received By: JPW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: A. LYLE SMITH 208-356-5678
Address: ~~660~~ 512 50th MILL HOLLOW RD. 83440
REXBURG, ID

AND/OR

Name: RUTH SMITH 208-356-5678
Address: ~~660~~ MILL HOLLOW RD. 83440
REXBURG, ID

2. Date of Priority: OCT 22, 1980

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	40E	29	SE	NE	SE		MADISON

5. Description of diverting works:
WELL, PUMP & SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.640		

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

8. Total consumptive use is 164.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A22-07336

Page 1

Date: 07/06/88

SCANNED
FEB 10 2005

PROFILED

MICROFILMED
OCT 29 1992

A2207336



10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	40E	29	SW		NE		IRR	7.0
			SE		NE		IRR	27.0
			NE		SE		IRR	27.0
			NW		SE		IRR	21.0
							Section Acres	82.0
							Total Acres	82.0

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:

14. Remarks:

15. Basis of Claim: PERMIT

SCANNED
FEB 10 2005

PROFILED

MICROFILMED
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): X A. Lyle Smith Date: X 7-6-88
Date: _____

State of Idaho)
County of Bonneville) SS.

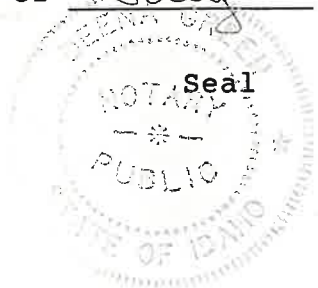
Subscribed and sworn (or affirmed) before me this 6th day

of July 19 88

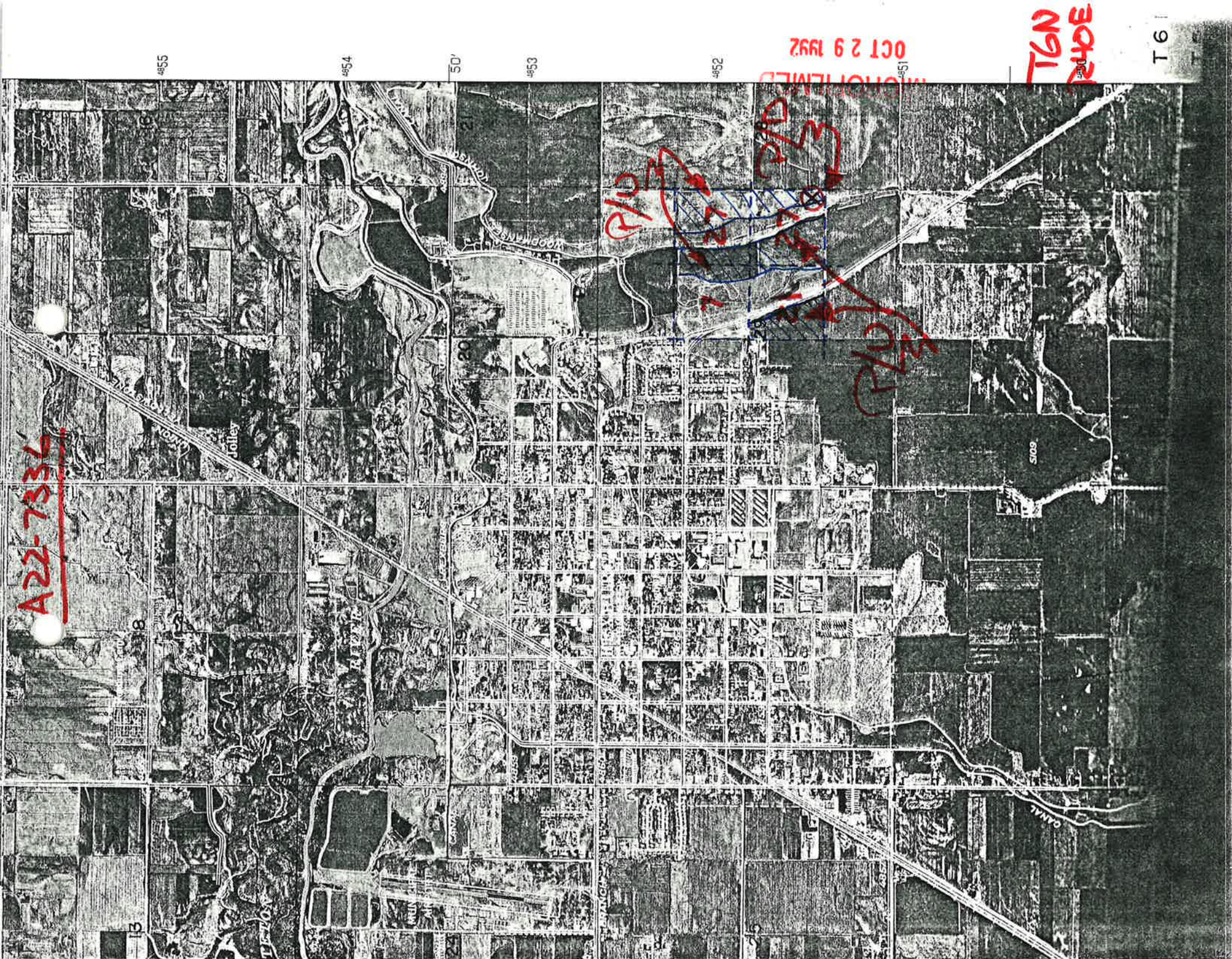
Deana L. Green
Notary Public

Residing at Leahy

My Commission Expires 4-22-1994



A22-7336



ANCHOR LIME
OCT 29 1992

T6N
R40E

T61