

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

RIGHT NUMBER: 22-13148

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

SOURCE: SOUTH LEIGH CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 2.900 CFS

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(s).

The rights listed below are limited to a total combined diversion rate of 32.31 cfs. Combined Right Nos.: 22-312, 22-487C, 22-13016, 22-42, 22-160, 22-545, 22-616, 22-13160, 22-13144, 22-13148, 22-130B, 22-481A, 22-482A, 22-483A, 22-2029D, 22-130D, 22-136C, 22-515B, 22-516B, and 22-517B.

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.

PRIORITY DATE: 01/18/1905

POINT OF

DIVERSION: T06N R46E S31 SWNW Lot 2 Within TETON County
T06N R46E S31 SWNW Lot 2 Within TETON County
T06N R46E S32 NWNWSW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	2.900 CFS

PLACE OF USE: IRRIGATION in TETON County

T06N R45E S25	NESE	14.00	T06N R45E S25	NWSE	27.00
T06N R45E S25	SWSE	39.00	T06N R45E S25	SESE	37.00
T06N R45E S36	NENE	39.00	T06N R45E S36	SWNE	21.00
T06N R45E S36	SENE	25.00	T06N R45E S36	SWNW	7.60
T06N R45E S36	SENE	21.00	T06N R45E S36	NESW	40.00
T06N R45E S36	NWSE	39.00	T06N R46E S30	NESW	22.00
T06N R46E S30 Lot 3	NWSW	24.00	T06N R46E S30 Lot 4	SWSW	32.00
T06N R46E S30	SESW	37.00	T06N R46E S30	NESE	34.00
T06N R46E S30	NWSE	26.00	T06N R46E S30	SWSE	39.00
T06N R46E S30	SESE	39.00	T06N R46E S31	NENE	40.00
T06N R46E S31	NWNE	40.00	T06N R46E S31	SWNE	38.00
T06N R46E S31	SENE	22.00	T06N R46E S31	NENW	40.00
T06N R46E S31 Lot 1	NWNW	38.00	T06N R46E S31 Lot 2	SWNW	26.00
T06N R46E S31	SENE	35.00	T06N R46E S32 Lot 1	NWNE	14.00
T06N R46E S32 Lot 2	SWNE	28.00	T06N R46E S32	NENW	32.00
T06N R46E S32	NWNW	36.00	T06N R46E S32	SWNW	14.00
T06N R46E S32	SENE	15.00	T06N R46E S32 Lot 3	NWSE	25.00

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

T06N R46E S32 Lot 4 SWSE 1.30

1006.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 1006.9 acres in a single irrigation season. Combined Right Nos.: 22-312, 22-487C, 22-13016, 22-42, 22-160, 22-545, 22-616, 22-13160, 22-13144, 22-13148, 22-130B, 22-481A, 22-482A, 22-483A, 22-2029D, 22-130D, 22-136C, 22-515B, 22-516B, and 22-517B.

Right Nos. 22-13144 and 22-13148 are limited to the irrigation of a combined total of 153.6 acres in a single irrigation season.

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.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through Desert Ditch, South Beard Ditch and or North Beard Ditch.

This right is a split from former right 22-208A.

Failure of the right holder to comply with the conditions of transfer 74019 is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by transfer 74019 by November 23, 2008.

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

November 27, 2007

THE BOYD CHARLES SMITH & JILL JOHNSON SMITH TRUST
C/O HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

RE: Transfer #74019 for water right(s) 22-42, 22-160, 22-545, 22-616,
22-13144, 22-13148, 22-13160 and Notice of Completed
Administrative Proceeding (NCAP)

Dear Mr. & Mrs. Smith:

On November 23, 2007, the Idaho Department of Water Resources (IDWR) approved Transfer #74019, modifying the above referenced water right. Based on this transfer, 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 the 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

SCANNED

JAN 17 2008

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Water Rights: 22-42, 22-160, 22-
545, 22-616, 22-13144, 22-13148, 22-
13160

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer **74019**

☐ point of diversion ☒ place of use

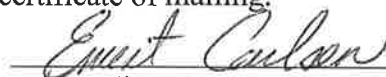
☐ period of use ☐ nature of use

☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

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.

DATED: Nov 29 2007



Signature of IDWR Representative

SCANNED

JAN 17 2008

CERTIFICATE OF MAILING

I certify that on Nov 30, 2007, 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:
THE BOYD CHARLES SMITH & JILL JOHNSON SMITH TRUST
C/O HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A

4. One copy to:

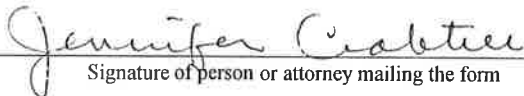
Each party in the subcase, or attorney of record
N/A

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

SCANNED

JAN 17 2008



Idaho Department of Water Resources

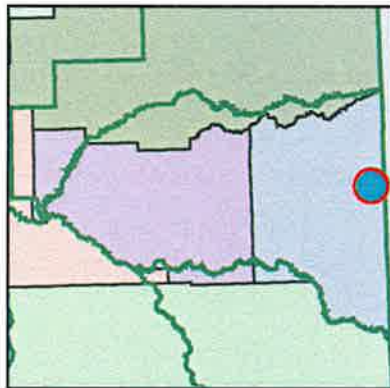
SRBA Recommendation:

22-13148

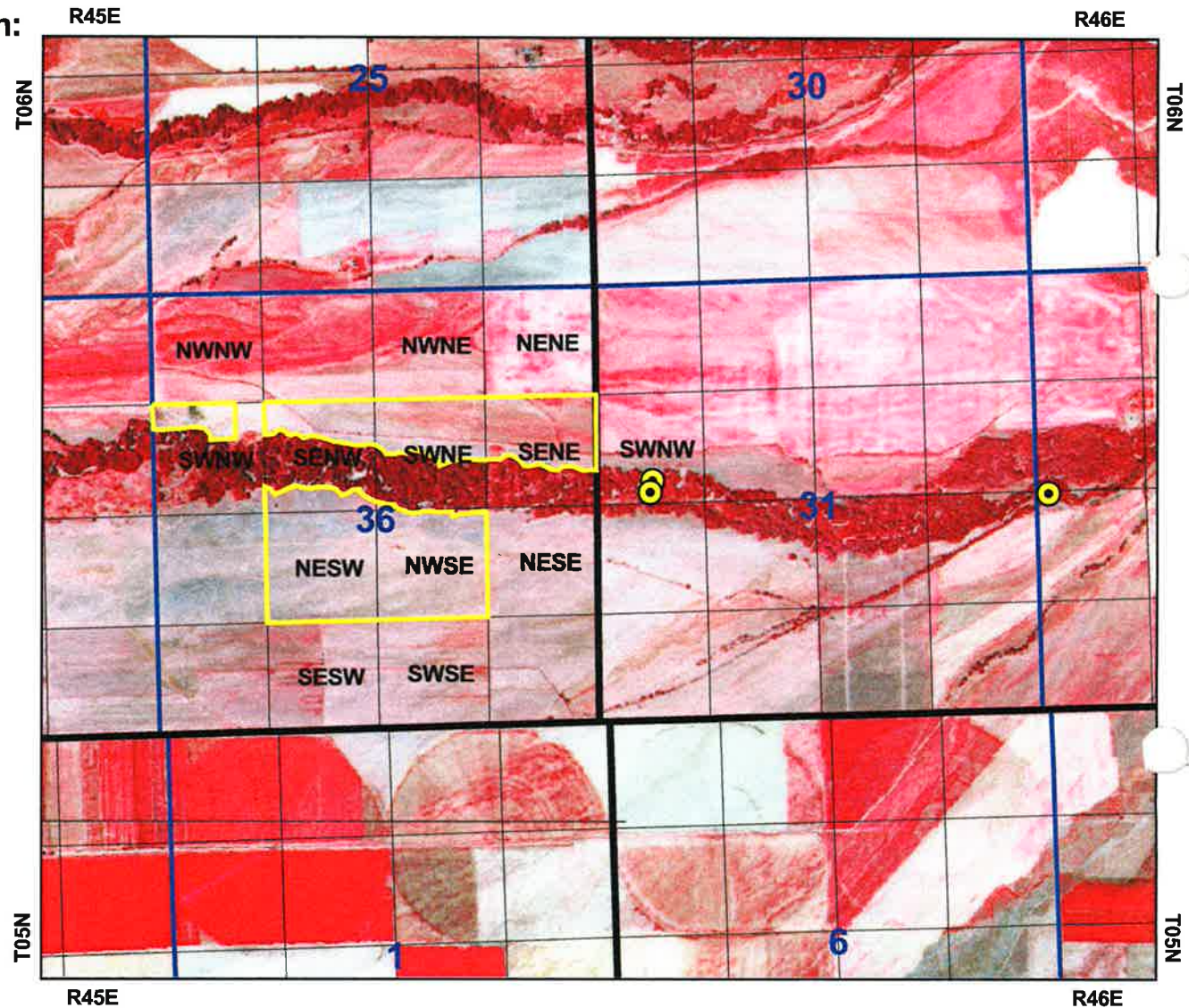
(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



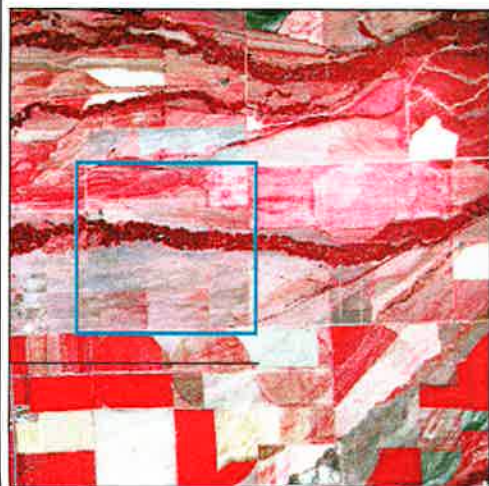
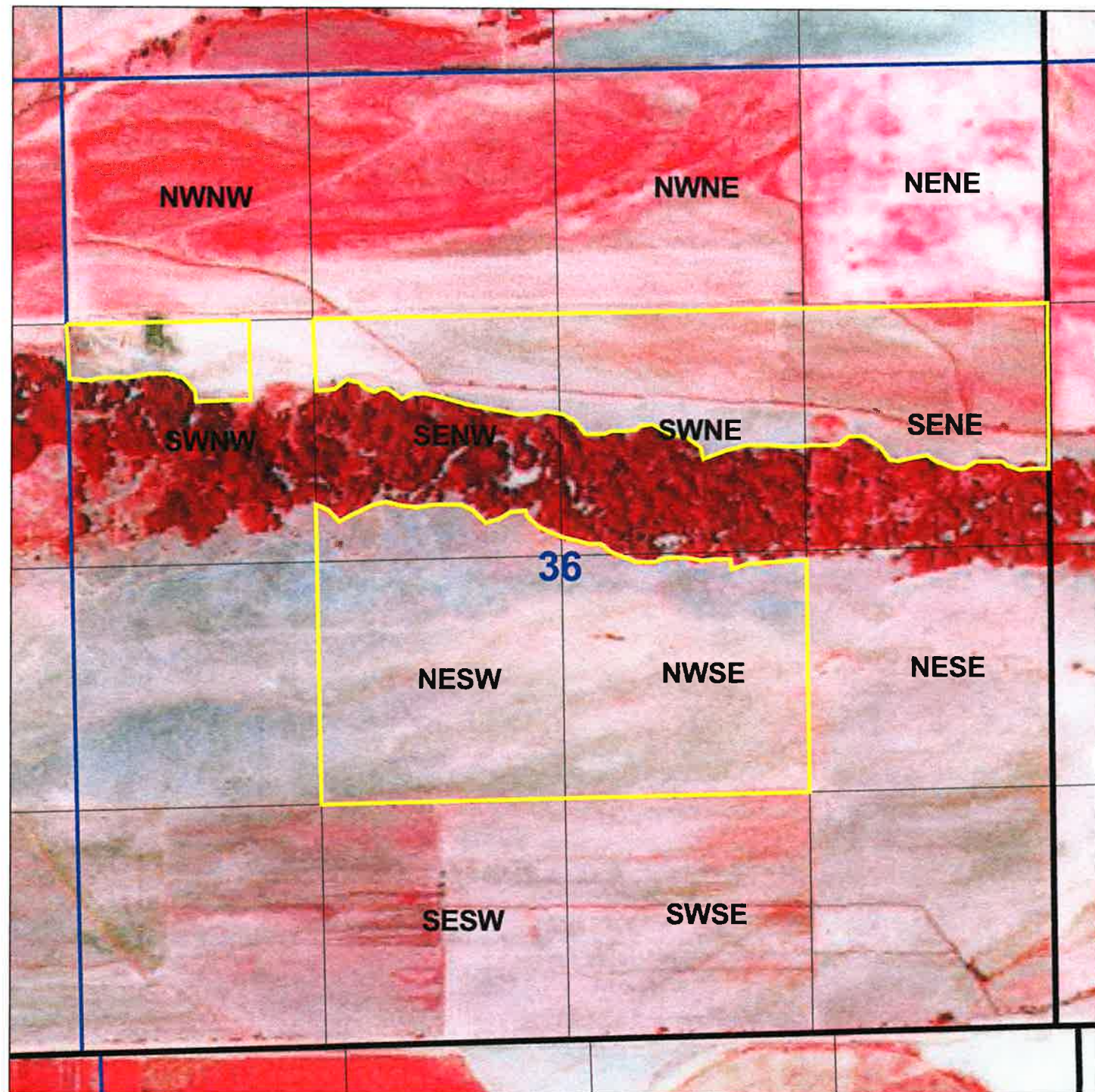
Teton County
IDWR Basin 22



0 0.8 1.6 Miles

Prepared by T. Galbraith
On Wednesday, June 7, 2006
1987/88 Aerial Photography

22-13148



3-20-06

Allen Rberry originally recommended the
land for 22-13143 + 22-13144 all together.
Through NCEs we have corrected that and recommended
Beards patch to Beard and Smiths patch to
Smith and did a combine use limit with
22-13143 and 22-13147 as well as 22-13144 and
22-13148.

76

Contacts Data Entry Form

Claim Number: _____

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

Current Owner: _____

Phone No.: _____

Current Owner: _____

Phone No.: _____

Current Owner: _____

Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____

Phone No.: _____

Accompanied By: _____

Phone No.: _____

Relationship to Claimant: _____

Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

8/10/04 DO: SEE 22-13144 for FB NOTES

3/1/05 Overlap w/ 22-13146 & OWNERS

C05

Reviewer: _____ Date: _____

SPLIT ANALYSIS: 22-208 AND SRBA CLAIMS

WATER RIGHT 22-208, 1/18/1905, 10⁰ cfs, ALL SEC. 36 6N/45E (GIS 532⁰ AC)

DERIVED FROM NO. LOUGH AND SPRING CR - SOURCE ACTUALLY SOL LUGH CR

$$10^0 \text{ cfs} \div 532^0 \text{ AC} = 0.01879 \Rightarrow 0.019 \text{ cfs/AC}$$

SRBA CLAIMS: SO. LOUGH CR, 1/18/1905

22-208 - SPLIT TO A AND B $\Rightarrow$ OVERCLAIMED

BEARD

22-208A - SPLIT TO 13147 AND 13148

HILLER, et al

22-208B - SPLIT TO 22-208C, D, E, F

WARONANT
REDHAWK INV.

22-208C - (FROM B), 0.794 cfs, 40⁰ AC

0.73

39⁰

HILLER, et al
DREAM PROPS,
D. KERR

22-208D - SPLIT TO 13257 AND 13258 - PARENT

22-208E - (FROM B), 0.794 cfs, 40⁰ AC.

0.73

39⁰

V. ROSON

22-208F - (FROM B), 1.588 cfs, 80⁰ AC

1.41

75⁰

L. BEARD
S. ERICH
L. BEARD

22-208G - (ORIGINAL CLAIM 22-11644) SPLIT TO 22-208H AND J

22-208H - (PART OF 11644), 0.40 cfs, 20⁰ AC

0.51

27⁰

S. ERICH

22-208J - (PART OF 11644), 0.40 cfs, 20⁰ AC

RECOMBINE

L. BEARD

22-11644 - RENUMBERED TO 22-208G - SPLIT TO H AND J

BEARD TRUST

22-13147 - 3.40 cfs, 170⁰ AC

SOLD TO SMITH-BEARD HOLDING Rts CONTRACT 31⁰

SMITH

22-13148 - 2.90 cfs, 145⁰ AC

315⁰

313⁰ AC

588 - 0.73 = 515 cfs

SMITH

22-13160 - 0.625 cfs, 40⁰ AC (0.73)

39⁰ Part of 313⁰

REDHAWK INV.
WILDHORSE INC.

22-13257 - (PART OF D), 0.21 cfs, 10⁵ AC

WILDHORSE INC.

22-13258 - (PART OF D), 1.37 cfs, 69⁵ AC

38⁰

(1.58 cfs) 0.73

39⁰

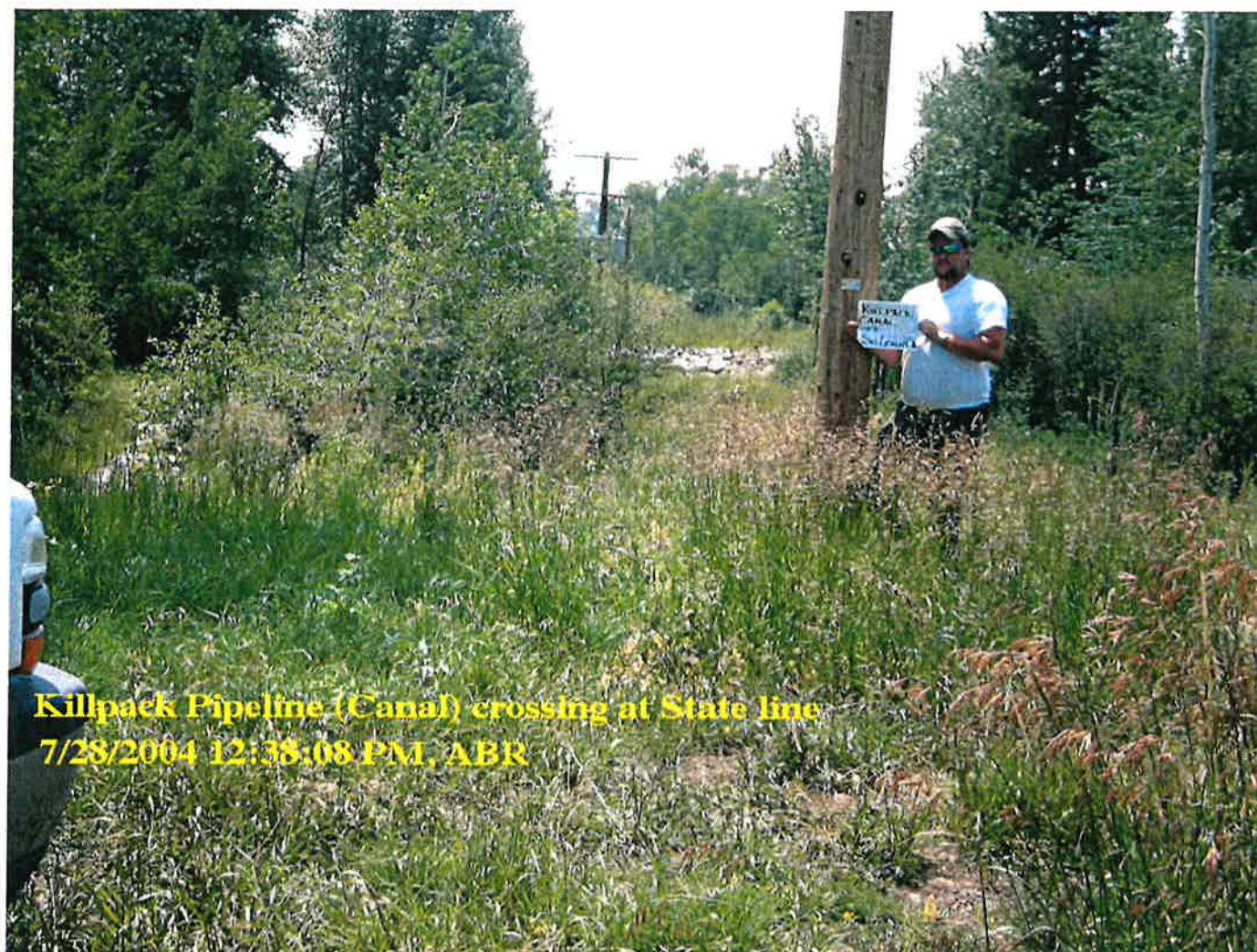
9.99 on 532

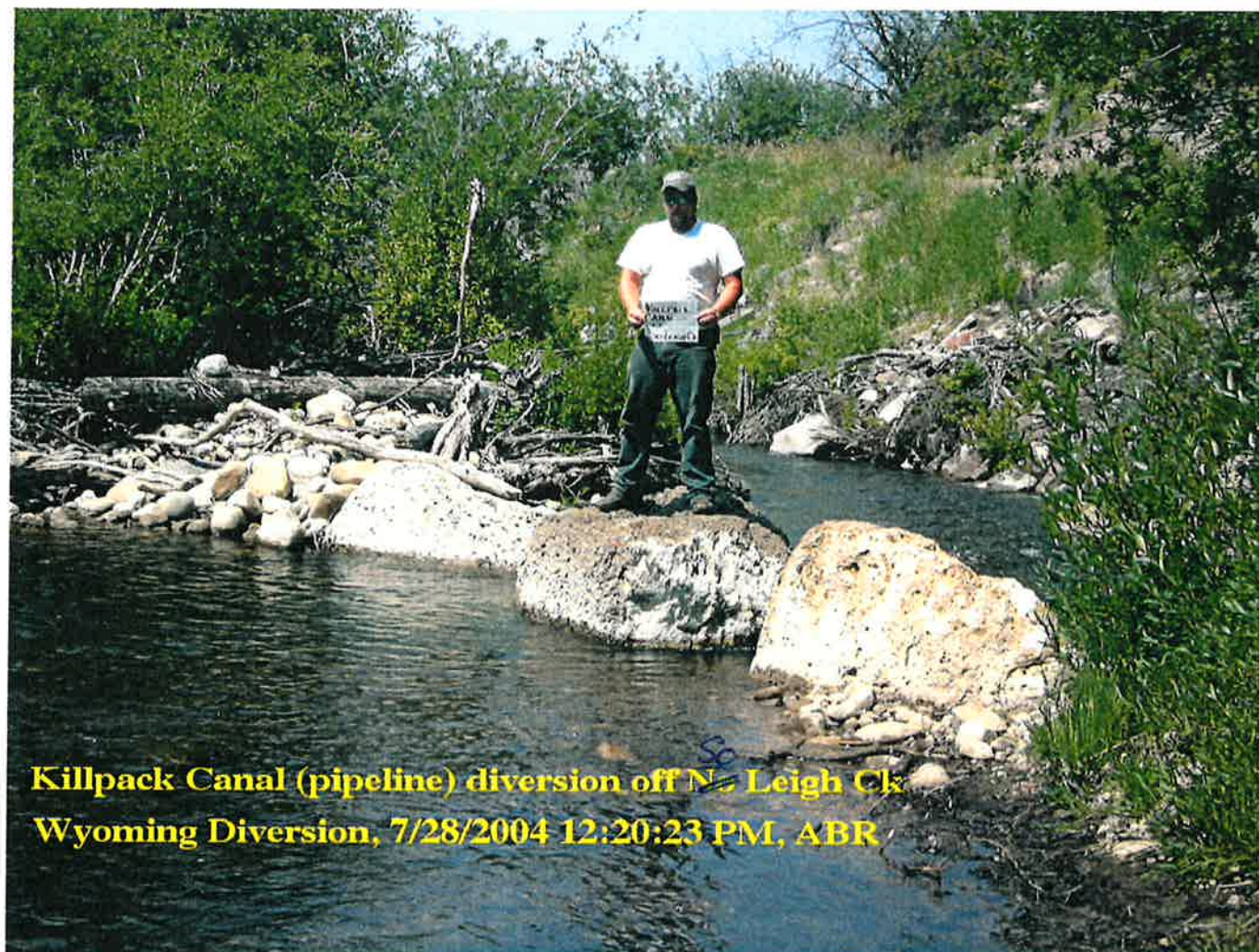


**Desert Canal Heading.
7/12/2004 10:16:18 AM; ABR, CF
Diversion off So. Leigh Creek.**

GPS TAG # A0014206 ON WHEEL FRAME

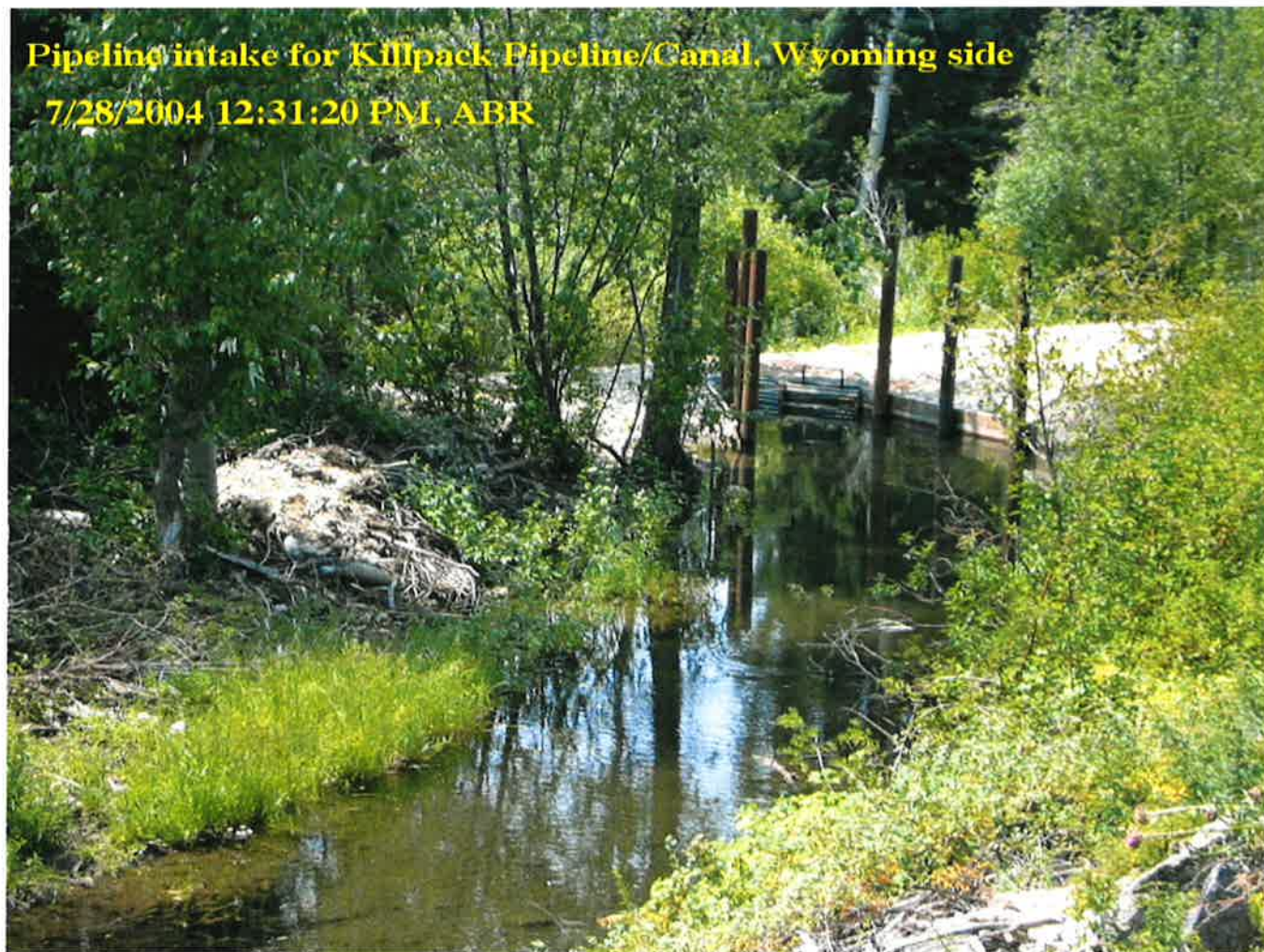
ABR





**Killpack Canal (pipeline) diversion off N. Leigh Ck
Wyoming Diversion, 7/28/2004 12:20:23 PM, ABR**

Pipeline intake for Killpack Pipeline/Canal, Wyoming side
7/28/2004 12:31:20 PM, ABR





Killpack headgate - Wyoming diversion
Boyd Smith and others use this headgate.

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point(s) of diversion and Source.

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

Source: _____ Tributary to: _____

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

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
6N	46E	32	1	NENWNE	TETON	SO. LEGH CK	TETON RIVER
6N	46E	32	3	NWNWSW	"	"	"
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____

① KILLPACK PIPE
WYO DIV.
② DESERT DITCH

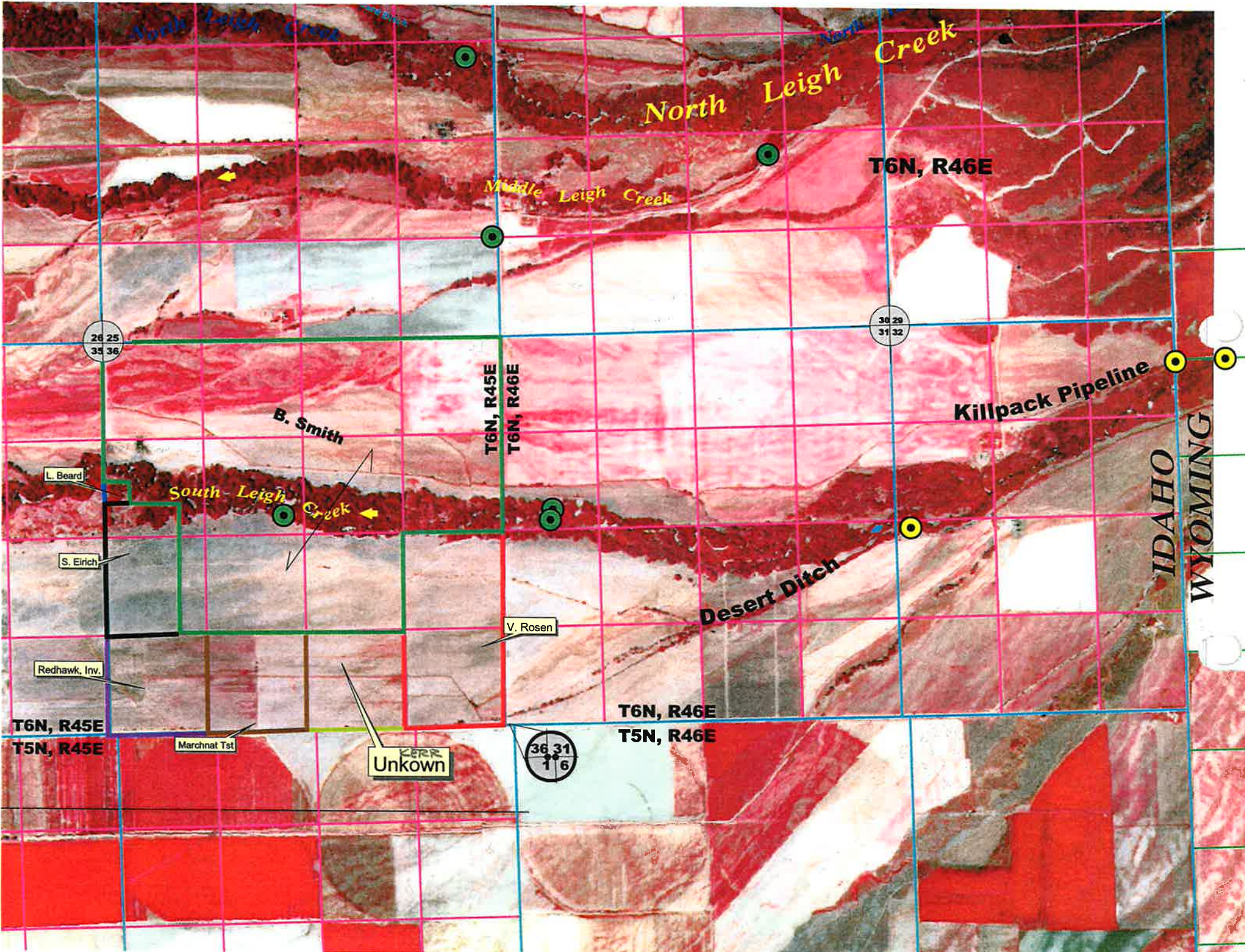
Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

① KILLPACK PIPELINE IS DIVERTED IN WYOMING AT: T44N, R11BW, SEC. 6
NWSNE (L2)

Reviewer: _____ Date: _____



North Leigh Creek

North Leigh Creek

Middle Leigh Creek

T6N, R46E

26 25
35 36

30 29
31 32

B. Smith

L. Beard

South Leigh Creek

S. Elrich

Redhawk, Inv.

T6N, R45E

T5N, R45E

Marchnat Tst

KERN
Unknown

T6N, R45E
T6N, R46E

V. Rosen

Desert Ditch

T6N, R46E

T5N, R46E

36 31
1 6

Killpack Pipeline

IDAHO

WYOMING

26 25
35 36

22-13147
B. Smith

22-13160

T6N, R45E
T6N, R46E

L. Beard

South Leigh Creek

S. Eirich

PART A
22-208H45
27 AC
PART B

3/3°
22-13148

$\angle_{AC} = 532^\circ$

22-208F
75°

V. Rosen

Redhawk, Inv.

13257
39°
Wild Horse Trc.
22-13257
22-13258

22-208C
39°

22-208E
39°

T6N, R45E

T5N, R45E

Marchnat Tst

DREAM PROPS-KORP
Unkown

36 31
1 6



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

November 30, 2000

BOYD C SMITH AND JILL JOHNSON SMITH TRUST
301 COLERIDGE AVE
PALO ALTO CA 94301

RE: CHANGE IN OWNERSHIP FOR A22-00615A, A22-00615C,
A22-00208A

Dear Mr. and Mrs. Beard:

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:

A22-00615A split into:

A22-13143: 4.0 CFS, 170 ACRES, BEARD

A22-13144: 3.4 CFS, 145 ACRES, SMITH

A22-00615C split into:

A22-13145: 0.15 CFS, 10 ACRES, BEARD

A22-13146: 0.15 CFS, 10 ACRES, SMITH

A22-00208A split into:

A22-13147: 3.4 CFS, 170 ACRES, BEARD

A22-13148: 2.9 CFS, 145 ACRES, SMITH

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,

Cheri Vandermeulen

Cheri Vandermeulen
Records Clerk

Enclosure(s)

JUL 24 2000

Department of Water Resources
Eastern Region

DATE OF CLOSING: 6/27/00

LEGAL DESCRIPTION OF PROPERTY: See attached Warranty Deeds

- [] 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: A22-00615C, A22-00615A, A22-00208A

[x] Name and Address of Former Owner/Claimant(s)(Seller): James William Beard and Leona Beard, Trustees
Route 1, Box 1790
Tetonia, Idaho

[x] New Owner/Claimant
(Purchaser): Boyd C. Smith and Jill Johnson Smith, Trustees

[x] New Mailing Address: 301 Coleridge Avenue
Palo Alto, California 94301

[x] New Telephone Number: (650) 493-5411

[x] Does the change in ownership result in a splitting of the water right owned/claimed?
 x yes no. If yes, then describe the portion of the
water right that is now owned/claimed by the new owner:
That portion of the above referred to water rights which are appurtenant to the
property described on the attached Warranty Deeds is being transferred to the new
owner

[x] Attach proof of ownership, describe proof attached: Copy of Warranty Deeds

(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 C. Smith, Trustee

Date _____

Jill Johnson Smith, Trustee

Date _____

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

James W Beard trustee Date 6-20-00
Leona Beard trustee

(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

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



Boyd C. Smith, Trustee

Date 6/20/00



Jill Johnson Smith, Trustee

Date 6/20/00

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

_____ Date _____

(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



THE STATE OF WYOMING

DAVE FREUDENTHAL
GOVERNOR

PATRICK T. TYRRELL
STATE ENGINEER

HARRY C. LABONDE, JR.
DEPUTY STATE ENGINEER

Board of Control

4E, HERSCHLER BUILDING
CHEYENNE, WYOMING 82002

TELEPHONE NO. (307) 777-6178
FAX NO. (307) 777-5451

February 13, 2004

ALLAN CUNNINGHAM
ADJUDICATION OFFICER

RANDY TULLIS, SUPERINTENDENT
WATER DIVISION NO. 1
MICHAEL WHITAKER, SUPERINTENDENT
WATER DIVISION NO. 2
LOREN SMITH, SUPERINTENDENT
WATER DIVISION NO. 3
JADE HENDERSON, SUPERINTENDENT
WATER DIVISION NO. 4

Mr. Arnold W. Woolstenhulme, P.E. and L.S.
AW Engineering
P.O. Box 139
Victor, Idaho 83455

RE: Docket Nos. IV-2002-4-1
and IV-2003-3-2 through
IV-2003-3-6

Dear Mr. Woolstenhulme,

This letter is in regard to the Eoyd, Charles and Jill Johnson Smith Trust, the William E. Hansen, the Rex L. Hansen, the Margaret Hansen, the Lorenzo and Ardis Koford, and the James and Leona Beard Trust petitions for affirmation of point of diversion and means of conveyance in the matter of certain rights to the use of waters of South Leigh Creek for which the point of diversion, and a portion of the means of conveyance of the Kilpack Ditch, which are pending before the State Board of Control.

The State Board of Control discussed these petitions at its February meeting, and voted to grant these petitions. Orders confirming the Board's action will be issued in the near future.

If we can be of any further assistance, please let us know.

Yours truly,

AC

ALLAN CUNNINGHAM
Adjudication Officer

RECEIVED

SEP 23 2004

Department of Water Resources
Eastern Region

/adc

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 22-13148
Date Received: 11/22/00
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

BOYD C SMITH AND JILL JOHNSON SMITH TRUST Phone: (650) 493-5411
301 COLERIDGE AVE
PALO ALTO CA USA 94301

2. Date of Priority: 01/18/1905

3. Source: SOUTH LEIGH CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
06N	46E	32	SE NW	TETON
06N	46E	32	NE SE	TETON

5. Description of diverting works:

3 HEADGATES/DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	2.9	

7. Total Quantity Appropriated is:
2.9 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

A2213148



10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	45E	36	NW	SE	IRRIGATION	40
			SW	NE	IRRIGATION	25
			SE	NE	IRRIGATION	20
			SE	NW	IRRIGATION	20
			NE	SW	IRRIGATION	40
Section Acres						145
Total Acres						145

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:

14. Remarks:

15. Basis of Claim: Decreed