

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

RIGHT NUMBER: 22-13160

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: 0.630 CFS

The quantity of water diverted under this water right shall be from the portion awarded to IDAHO and deducted there from as set forth in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941).

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).

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.

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.

PRIORITY DATE: 01/18/1905

POINT OF

DIVERSION: T06N R45E S32 NENWNE Lot 1 Within TETON County

The point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 6 NESENE (L2), 6PM.

The point of diversion shown above is where the conveyance system enters Idaho.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.630 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	SENW	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

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

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
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 736.3 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.

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.

This right is limited to the irrigation of 40 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 688.9 acres in a single irrigation season. Combined Right Nos.: 22-42, 22-160, 22-545, 22-616, 22-13160.

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

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.

This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.

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 - Decreed

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

Water is delivered through Killpack Pipeline.

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

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

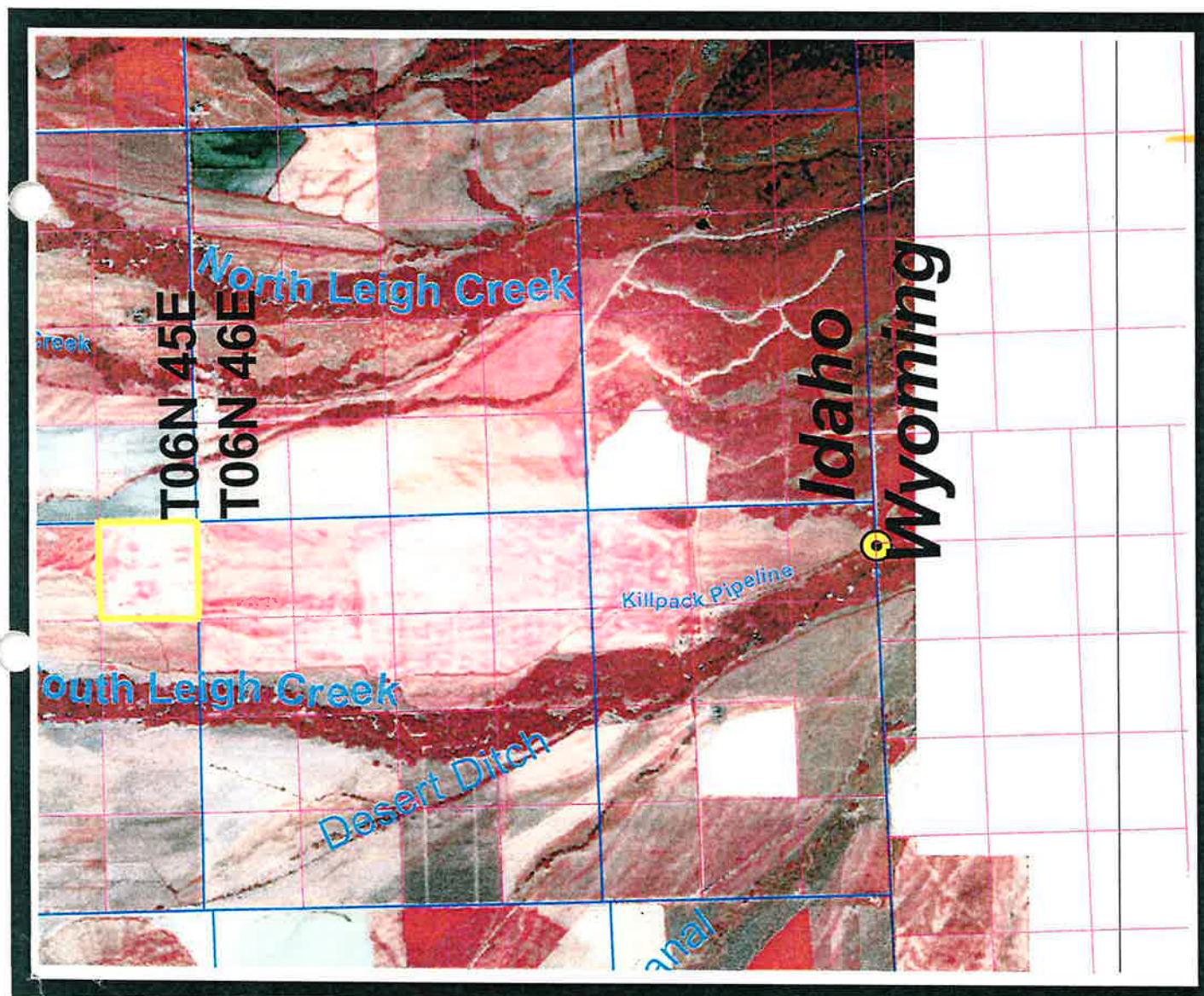
Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



State of Idaho

Department of Water Resources

Eastern Region



1000 0 1000 2000 3000 4000 5000 6000 7000 8000 9000 10000 Feet

Water Right(s):

22-42

22-13146

22-13160

SCANNED
JUN 15 2005

Point(s) of Diversion:

T06N R46E (Idaho)

Sec 32 NWSENW

T45N R118W (Wyoming)

Sec 32 NWSENW

Place of Use (parts of):

T06N R46E

Sec. 36 NENE

Delivered through the Killpack Pipeline.

LEGEND

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



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



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:

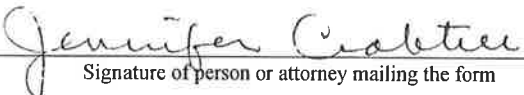
Each party in the subcase, or attorney of record
N/A

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



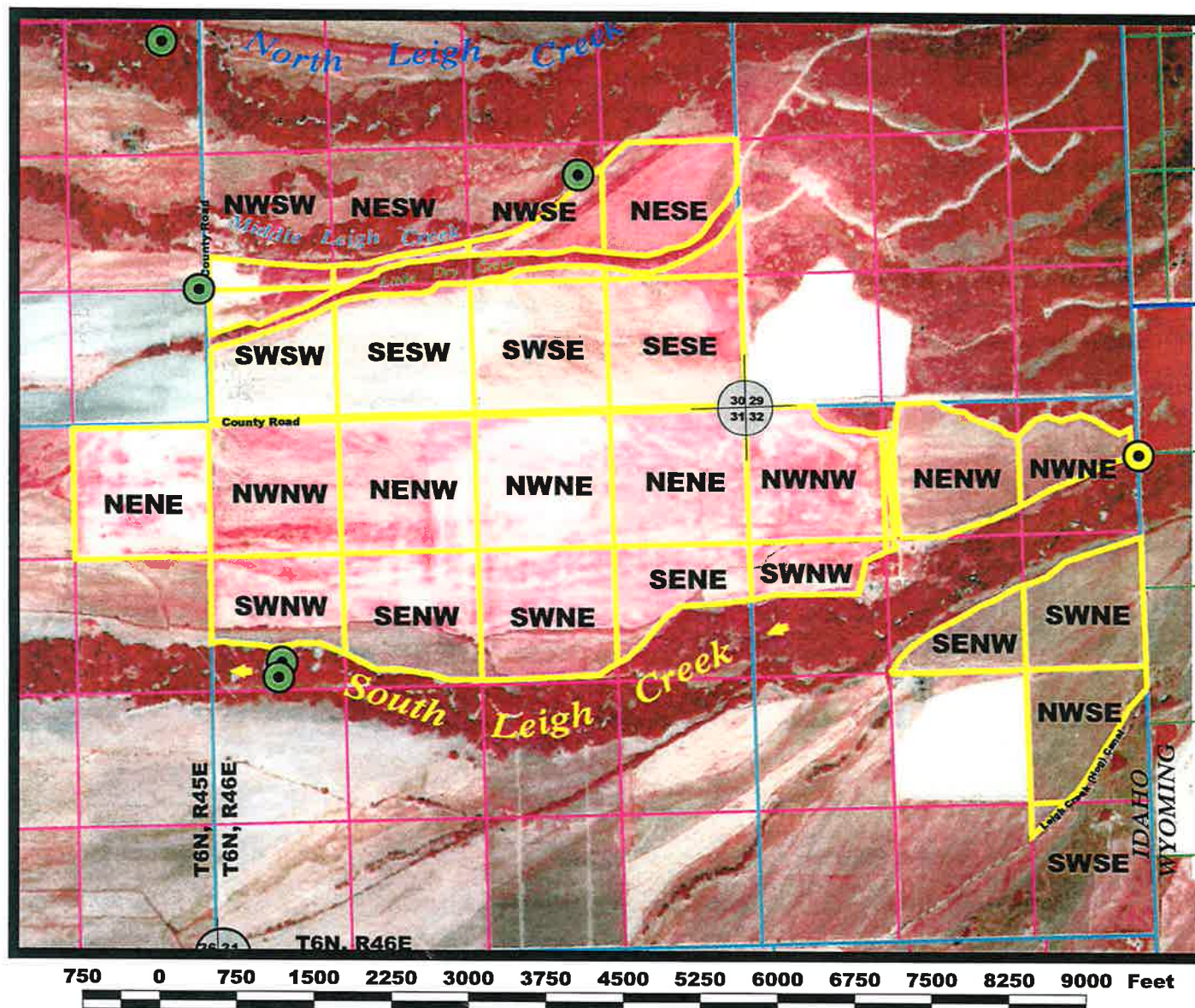
Signature of person or attorney mailing the form



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

22-42, 22-160,
22-545, 22-616,
22-13160, 22-13405

Point(s) of Diversion:

T6N, R46E
Sec. 32 NENWNE (L1)

Place of Use: (parts of)

T6N, R45E
Sec. 36 NENE,
T6N, R46E
Sec. 30 S2, Sec. 31 N2,
Sec. 32 NW, W2E2

Water delivered by Killpack Pipeline.

Diverted in Wyoming: T44N, R11E

Sec. 6 NESENE (L2), 6PM

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: June 2005

Contacts Data Entry Form

Claim Number: _____

Owner Type	Full Name	Address	City	State	Zip
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Current Owner: B Smith 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: _____

*Killpack Div.*Discussion of right origin and split history. Questions and problems.

THIS CLAIM NOT CLAIMED AS A PART OF 22-208 (Multi-Splits)
BUT CLAIM, SPLIT ANALYSIS AND REVIEW OF DECISION (22-208) ALL
INDICATE A PORTION OF 22-208.

B. Smith ACTUALLY HOLDS $\approx 313^{\circ}$ AC w/ 500.36; Part this
claim, Part by 22-1314B AND 22-13147. HOWEVER, 22-13147
OWNERSHIP IS RETAINED BY BOARD TRUST UNTIL CONTRACT IS
SERVED. $\Rightarrow$ C/O TO Smith 7/2000.

22-1314B & 22-13160 WILL BE RECOMMENDED TOGETHER
22-13147 WILL BE RECOMMENDED ON ITS OWN MERITS.

NO.

THERE ARE NO DOUBT OTHER Smith CLAIMS THAT OVERLAP BY
SOME DEGREE ON THE Smith/BOARD POL BUT THEY ARE NOT
KNOWN AT THIS TIME. MORE TO COME

8/5/04 Doc O'Brien AND AL PERRY met w/ VORLIG & DORIAN
Scroggins AND Atty Kent FOSTER - DISCUSSED THEIR SYSTEM
WHAT WE WERE DOING AND THE MANY CLAIMS - EXPLAINED Doc WOULD
DO FB'S.

Reviewer: _____ Date: _____

OVERLAPS w/ 22-42

SPLIT ANALYSIS: 22-208 AND SRBA CLAIMS

WATER RIGHT 22-208, 1/18/1905, 10° cfs, ALL SEC. 36 6N/45E (GIS 532° AC

DERIVED FROM NO. LOUGH AND SPRING CR - SOURCE ACTUALLY SO LOUGH CR

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

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

WACHANT 22-208C - (FROM B), 0.794 cfs, 40° AC 0.73 39°

REDHAWK INV. 22-208D - SPLIT TO 13257 AND 13258 - PARTENT

HILLER, et al 22-208E - (FROM B), 0.794 cfs, 40° AC. 0.73 39°

DREAM PROPS, D. KERR 22-208F - (FROM B), 1.588 cfs, 80° AC 1.41 75°

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

L. BEARD 22-208H - (PART OF 11644), 0.40 cfs, 20° AC 0.51 27°

S. EIRICH 22-208J - (PART OF 11644), 0.40 cfs, 20° AC RECOMBINE

L. BEARD 22-11644 - REMEMBERED TO 22-208G - SPLIT TO H AND J

BEARD TRUST 22-13147 - 3.40 cfs, 170° AC Sold to Smith-Beard Holding Rts Contract 31°

SMITH 22-13148 - 2.90 cfs, 145° AC 315° 313° AC 5.88 - 0.73 = 5.15 cfs

SMITH 22-13160 - 0.625 cfs, 40° AC (0.73) 39° Part of 313°

REDHAWK INV. 22-13257 - (PART OF D), 0.21 cfs, 10° AC 38°

WINDHORSE INC. 22-13258 - (PART OF D), 1.37 cfs, 69° AC (1.58 cfs) 0.73 39°

9.99 on 532

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

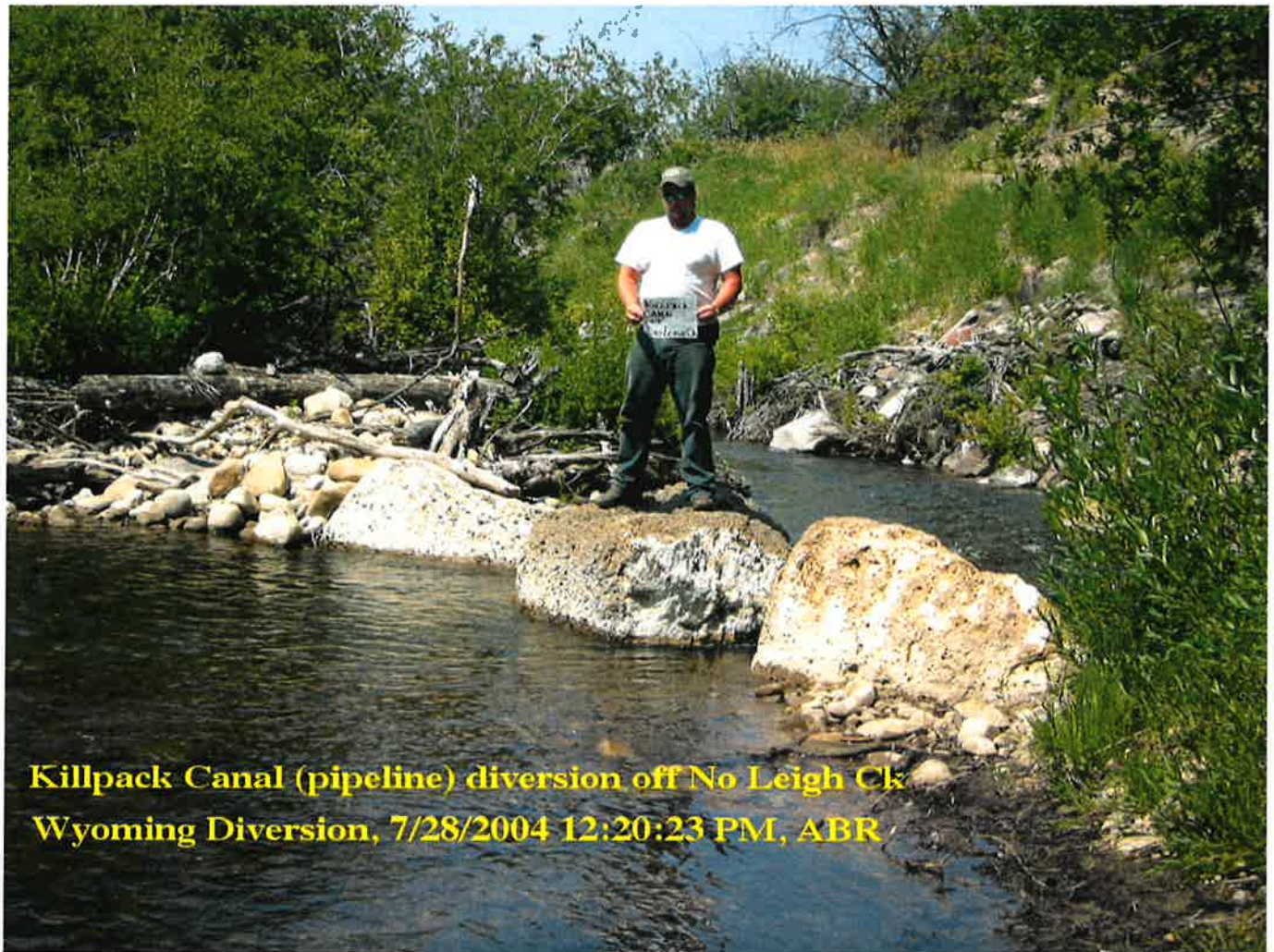
Claimed Priority Date: 01/01/1905 Claimed Basis: DecreeRecommended Priority Date: 01/18/1905 Recommended Basis: "

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

THERE IS NO KNOWN DECREE RIGHT WITH A PRIORITY
OF 01/01/1905, AS CLAIMED - HOWEVER, CLAIM AND SPLIT
ANALYSIS INDICATE PART OF 22-208 w/ PRIORITY OF
1/18/1905
→ SO RECOMMENDED

Reviewer: _____

Date: _____



**Killpack Canal (pipeline) diversion off No Leigh Ck
Wyoming Diversion, 7/28/2004 12:20:23 PM, ABR**

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



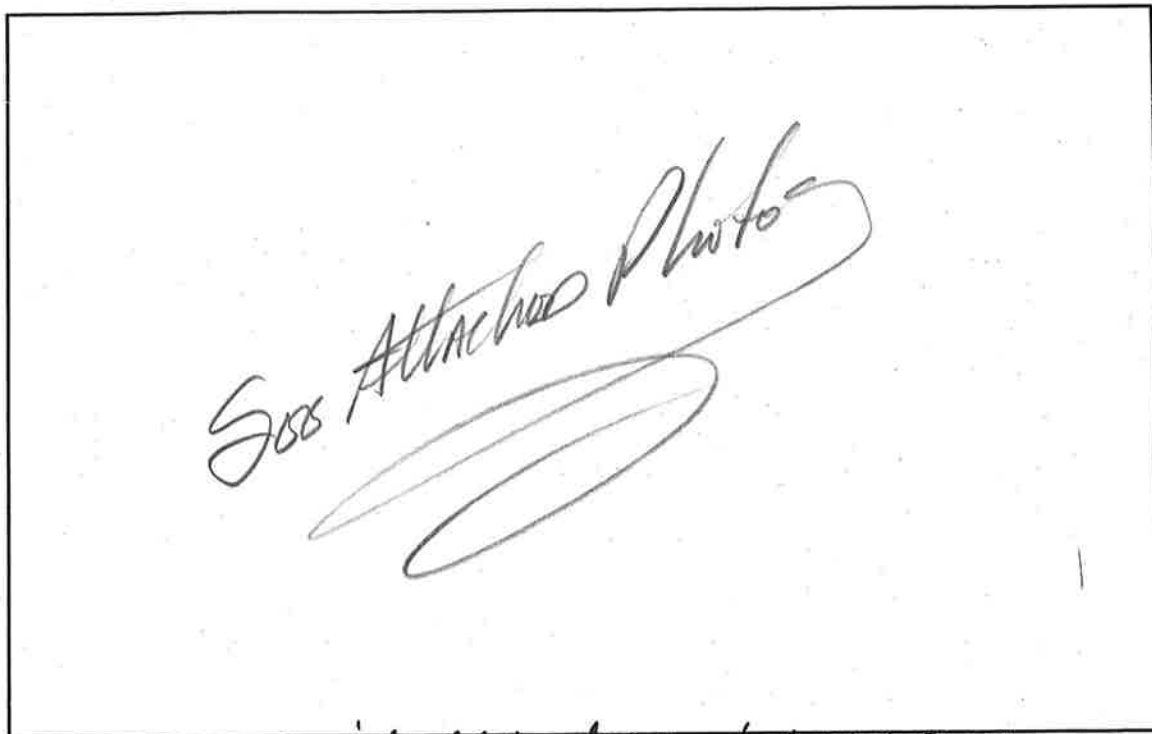


Killpack headgate - Wyoming diversion
Boyd Smith and others use this headgate.



Killpack Pipeline (Canal) crossing at State line
7/28/2004 12:38:08 PM, ABR

Water Right No(s). _____



GPS DATA: crosses into Idaho at GPS point "KL PKI"

Tag # ADP/3841 Location: headgate frame

Diversion Data:

Source: South Leigh Creek Trib to: Teton River

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

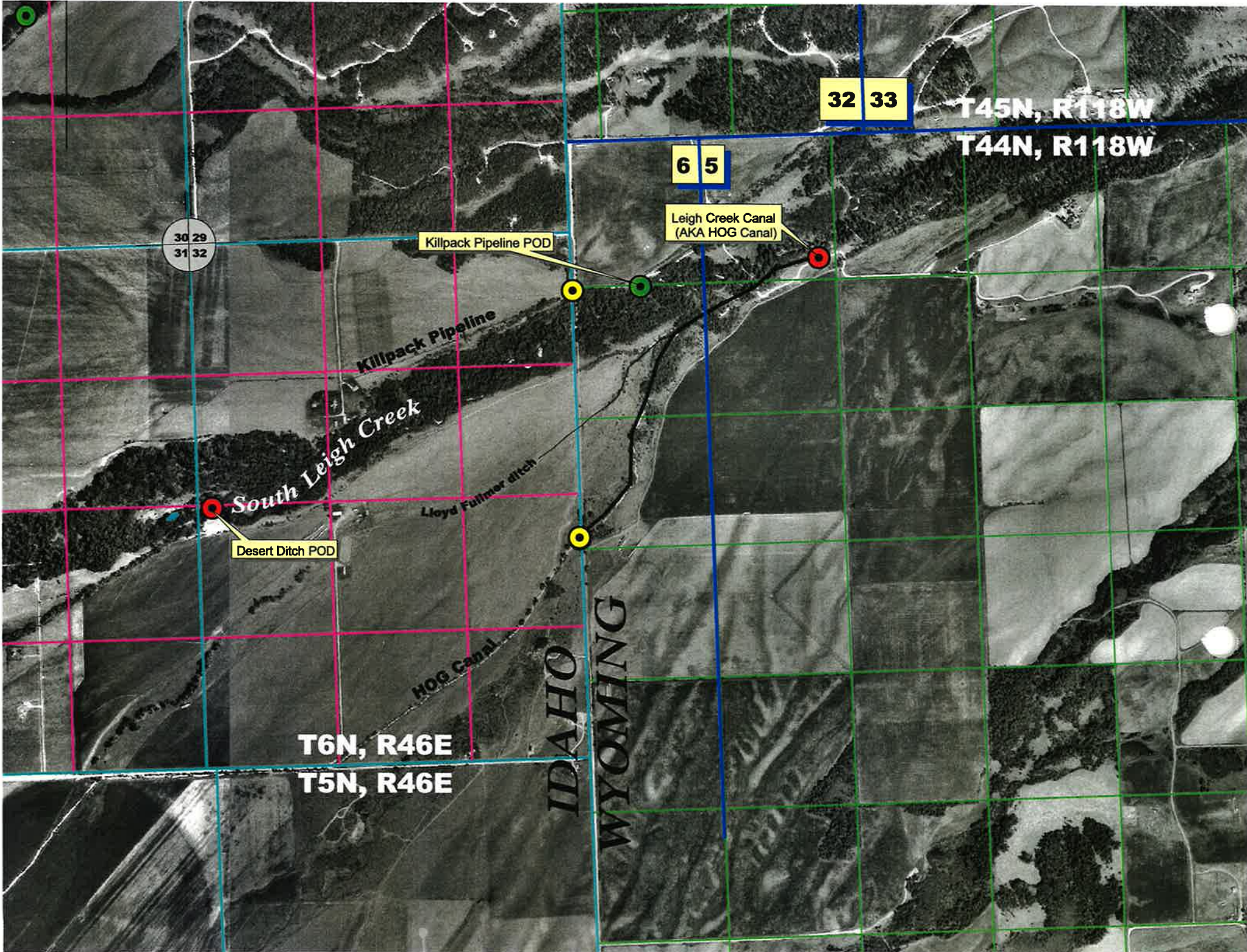
PUMP

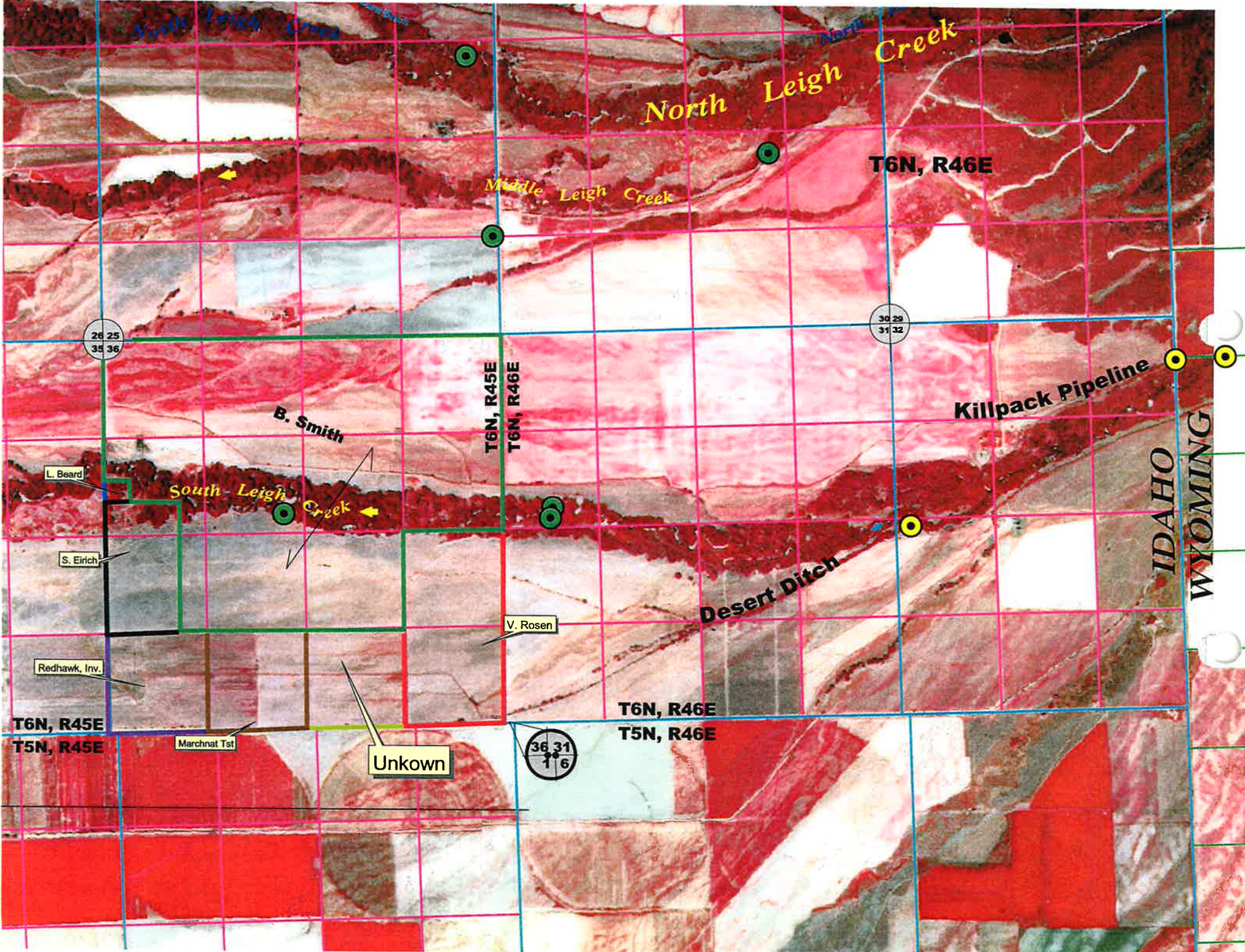
Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

Diversion is a headgate and pipe for a
gravity flow system that heads in Wyoming
at Ballpack Diversion

Field Exam Date: 8/9/04 Agent: DD





North Leigh Creek

North Leigh Creek

Middle Leigh Creek

T6N, R46E

26 25
35 36

30 29
31 32

T6N, R45E
T6N, R46E

Killpack Pipeline

B. Smith

L. Beard

South Leigh Creek

S. Elrich

Redhawk, Inv.

T6N, R45E
T5N, R45E

Marchnat Tst

Unknown

36 31
1 6

T6N, R46E
T5N, R46E

Desert Ditch

V. Rosen

IDAHO
WYOMING

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
6N	45E	32		SENNNE			

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. Logan Cr.	TETON RIVER

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

8/9/04
RD
Field exam shows check dam & headgate leading into pipeline for gravity system. Diversion is known as Killpack Diversion.

This POD is ACTUALLY IN WYOMING AT T44N, R118W, Sec. 5
NESENE, 6PM
DEVELOPING THROUGH KILLPACK PIPELINE

Remark

Remark

Reviewer: _____ Date: _____

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

3/5°
22-13148

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

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

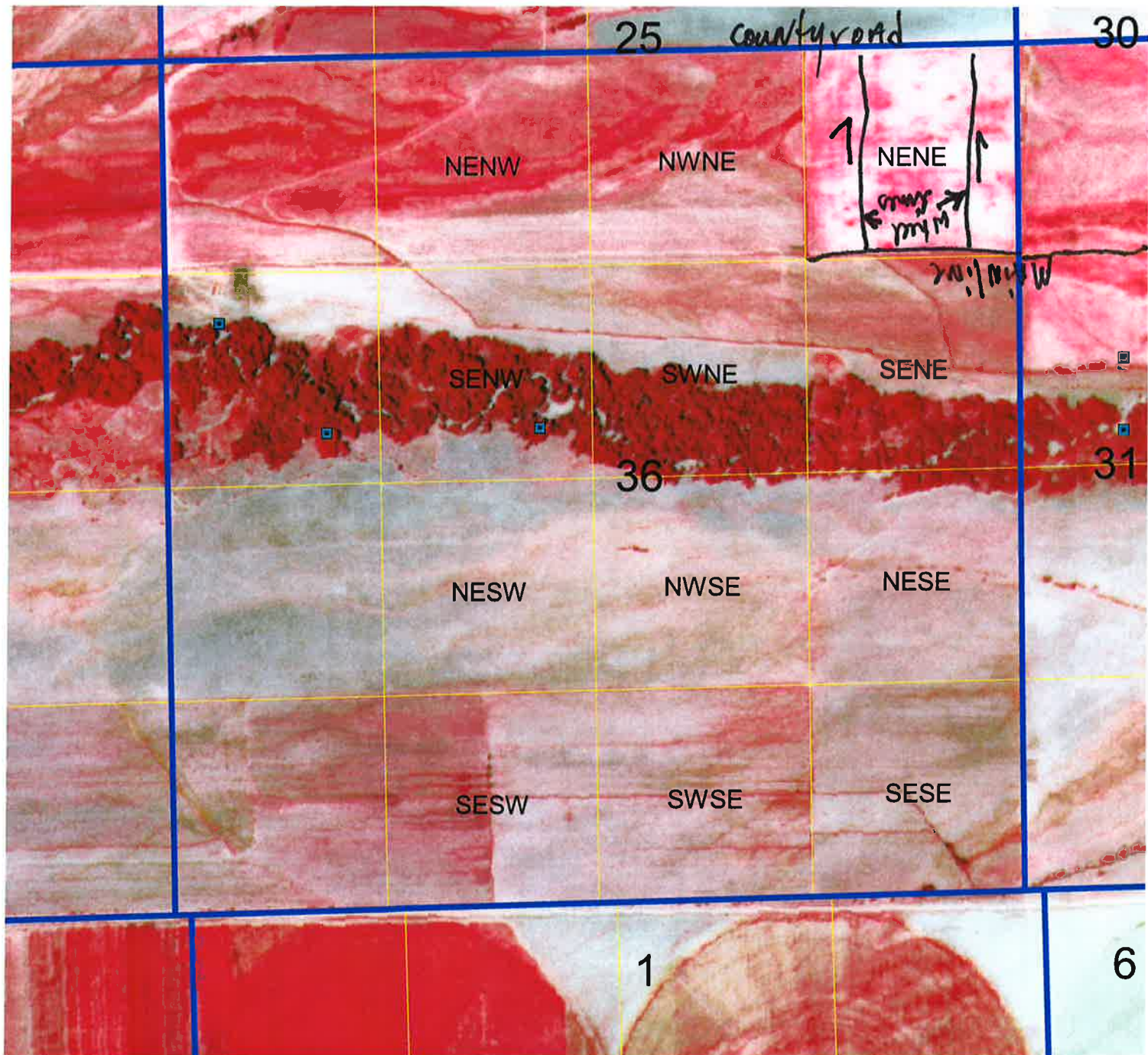
Marchnat Tst

DREAM PROPS - KERR
Unkown

36 31
1 6

22-13160
6N 45E

8/9/04
DD



Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
6N	46E	36	NE	NE	Teton		392	Prairie

Total acres 392

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

8/9/04
 Field exam showed that this 40 acres is irrigated by 2 wheel lines coming off a mainline

Combined HSA Remarks w/ 22-13160, 13147 & 13148
 And maybe some others

Remarks
 X

Reviewer: _____ Date: _____

Season of Use and Quantity Data Entry Form

Claim Number: _____

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
Perdig	4/15	10/15	0.625	

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Innig.	4/15	10/31	0.73	

Overall Diversion Rate _____

Overall Diversion Volume _____

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

Q IS CHANGED BECAUSE RT. IS PART OF A LARGER SPLIT
(ACTUALLY 2 SPLIT PORTIONS) OF 22-208. COMBINED THEY
DO 508 CF ON 313² AC.

COMBINED USE REMARKS w/
22-13160, 13147 AND 13148 (+ OTHERS?) *
↳ BOUND TRUST UNDER CONTRACT
TO B. Smith

Remark

Reviewer: _____

Date: _____



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 Koroed, and the James and Leona Leard 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 22-13160
Date Received: 4/4/01
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BOYD C SMITH Phone: (208) 523-0620

C/O HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID USA 83405

2. Date of ~~Priority~~: 01/01/1905

3. Source: ~~SOUTH LEIGH CREEK~~ Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	45E	32	SE NW NE	TETON	

5. Description of diverting works:

PUMPS IN SOUTH LEIGH CREEK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.625	

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

8. Total consumptive use:

9. Non-irrigation uses:

A2213160



10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	45E	36	NE	NE	IRRIGATION	40
Section Acres						40
Total Acres						40

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

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

MAR 27 2001

Department of Water Resources
Eastern RegionIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number ~~22-208~~ 22-13160

Date Received 4-3-01

Receipt Number E026604

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s) Boyd C. Smith Phone (208) 523-0620
Mailing Address c/o Holden, Kidwell, Hahn & Crapo, P.L.L.C., P.O. Box 50130, Idaho Falls, ID Zip 83405
2. Date of Priority (Only (1) per claim) January 1, 1905
3. Source of water supply (a) South Leigh Creek
which is tributary to (b) _____
- 4.a. Location of existing
point of diversion is: Township 6N Range 45E Section 32, SE 1/4 of NW 1/4 of
NE 1/4, Govt. Lot 1, E B.M., County of Teton
Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged
and the depth of each well. Pumps in South Leigh Creek
6. Water is claimed for the following purposes:
(Both dates are inclusive) (cfs) (acre feet)
For Irrigation purposes from April 15 to October 15 amount .625 or _____
For _____ purposes from _____ to _____ amount _____ or _____
7. Total quantity claimed (a) .625 (cfs) and/or (b) _____ (acre feet)
8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (e.g. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	45E	36	40																40

Total number of acres irrigated 40

11. In which county(ies) are lands listed above as place of use located? Teton

12. Do you own the property listed above as place of use? Yes X No

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
22-42 or None ()

14. Remarks:

15. Basis of Claim (Check one) Beneficial Use Posted Notice Permit Decree X License
If applicable provide IDWR Water Right Number 22-208
Court Sixth District-Fremont County Case Number Decree Date December 16, 1910
Plaintiff vs Defendant Rexburg Irrigation Company et al v. Teton Irrigation Company et al

By signing I/We acknowledge reading the notice on the back of this claim form. I/We wish to receive for a small annual fee monthly copies of the docket sheet. YES ___ NO ___.

16. Signature(s)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) *Boyd C. Smith* Date 20 March 2001

Date _____

For Organizations: I do solemnly swear or affirm that I am Trustee of
(Title)
Boyd C. and Jill J. Smith Trust, that I have signed the foregoing document in the space below as
(Organization)
Trustee of Boyd C. and Jill J. Smith Trust and that the statements contained in the
(Title) (Organization)
foregoing document are true and correct.

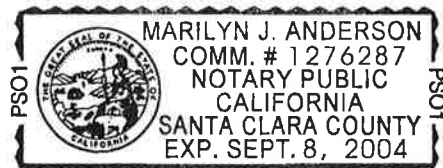
Signature of Authorized Agent *Boyd C. Smith*
Title and Organization Boyd C. and Jill J. Smith Trust Date 20 March 2001

State of California)
County of Santa Clara) SS.

Subscribed and sworn (or affirmed) before me this 20th day of March, 2001.

Notary Public *Marilyn J. Anderson*
Residing at *San Jose, California*
My Commission Expires *9/8/2004*

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Last Name Smith Ident. Number 22-208

17. Notice of Appearance:

Notice is hereby given that I, K. W. Foster will be acting as attorney in law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature



Address P.O. Box 50130, Idaho Falls, Idaho 83405

Date

3/26/01

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