

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

PURPOSE AND PERIOD OF USE:	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 11/01	0.140 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T21N R22E S08 NWSW	5.30 T21N R22E S08 SWSW	1.60

6.9 ACRES TOTAL

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

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

PROPERTY ALSO DESCRIBED AS LOT 1C, CEMETERY LANE SUBD.

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 -

This right is a split from former right 75-10467 .



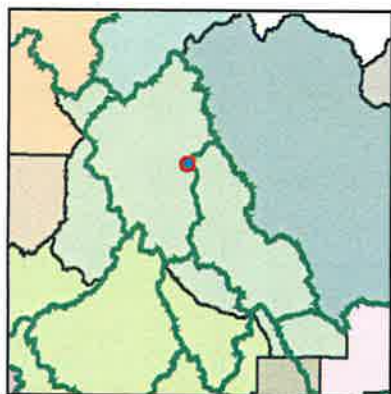
Idaho Department of Water Resources

SRBA Claim:

75-10467

Legend

-  Townships
-  PLS Sections
-  Quarter Quarters
-  Parcels



Lemhi County
IDWR Basin 75



0 0.1 0.2 Miles

Prepared by R. Brown
On Tuesday, May 16, 2006
1987/88 Aerial Photography

November 8, 2006

MR & MRS J PAUL SMITH
17 CEMETERY LN
SALMON ID 83467

Re: 75-14351

Dear Mr. & Mrs. Smith:

Enclosed is a copy of the recommendation for your Water Right.

The Change of Ownership from former owners, Gary & Vicki Boyce to you, has been filed.

Sincerely,

Carolyn Monitz
Records Clerk

CM: Encl.

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

RECEIVED
JUL 26 2005
DEPARTMENT OF
WATER RESOURCES

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
75-10467	75-10467	☐			☐
		☐			☐
		☐			☐
		☐			☐
		☐			☐

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)

Gary E or Vicki L Boyce
 151 S. St Charles Rd. Salmon, ID

4. New Owner/Claimant(s)

J. Paul Smith Holly L. Smith
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

17 Cemetery Ln.

City, State and ZIP Code

Salmon ID 83467

New Telephone Number

800 756-2435

5. Date you acquired the property

3/10/93

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JUL 26 2005

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) *Doreen Smith*
(include title if applicable) _____

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 _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

SCANNED

JUL 26 2005

WARRANTY DEED

For Value Received

GARY E. BOYCE AND VICKY L. BOYCE, husband and wife

the grantor s, do hereby grant, bargain, sell and convey unto

J. PAUL SMITH AND HOLLY L. SMITH, husband and wife

whose current address is

RT. #1 BOX 290
SALMON, IDAHO 83467

the grantee s, the following described premises, in LEMHI County Idaho, to wit:

A PARCEL OF LAND LOCATED IN THE NW $\frac{1}{4}$ SW $\frac{1}{4}$ OF SECTION 8, T. 21 N., R. 22 E.,
BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 8, FROM WHICH THE SW
CORNER OF SECTION 8 BEARS S. 00° 05' 16" W., THE BASIS OF BEARING OF THIS
SURVEY, RUN THENCE S. 68° 40' 55" E., A DISTANCE OF 707.73 FEET TO THE
NORTHWEST CORNER OF LOT 1, CEMETERY LANE SUBDIVISION, THENCE S. 65° 00' 00"
E., ALONG THE NORTHERLY BOUNDARY OF LOT 1, A DISTANCE OF 78.58 FEET TO
THE POINT OF BEGINNING.

THENCE CONTINUING S. 65° 00' 00" E., A DISTANCE OF 291.10 FEET TO THE
NORTHEAST CORNER OF LOT 1;

THENCE S. 00° 05' 50" W., ALONG THE EASTERLY BOUNDARY OF LOT 1, A DISTANCE
OF 1234.25 FEET TO THE SE CORNER OF LOT 1;

THENCE N. 85° 19' 19" W., ALONG THE SOUTHERLY BOUNDARY OF LOT 1, A DISTANCE
OF 235.88 FEET;

THENCE N. 00° 05' 08" E., A DISTANCE OF 1045.75 FEET;

THENCE N. 06° 52' 43" W., A DISTANCE OF 121.03 FEET;

THENCE N. 04° 33' 16" W., A DISTANCE OF 172.65 FEET TO THE POINT OF
BEGINNING.

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 owner s in fee simple of said premises; that they are free
from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: MARCH 10, 1993

Gary E. Boyce
GARY E. BOYCE

Vicky L. Boyce
VICKY L. BOYCE

STATE OF IDAHO, COUNTY OF LEMHI
On this 10th day of March, 1993,
before me, a notary public in and for said State, personally
appeared

GARY E. BOYCE AND VICKY L.
BOYCE

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

STEVEN R. GUTT Notary Public
Residing at SALMON, Idaho
Comm. Expires 12-14-1997

State of Idaho)
County of Lemhi) ss. No. 218036

This instrument was filed for record at
the request of *American Land Title*
at 3:42 o'clock p.m. 3-11-93
and duly filmed and indexed in the
records of Lemhi County

Alberta Wiederrick
Ex-Officio Recorder
By *John J. Morton* Deputy
Fees: 3.00

Furnished by the AMERICAN LAND TITLE CO., Pocatello, Idaho

SCANNED

III 76 2005

WADE SURVEYING

505 Granite
Salmon, Idaho 83467

Phone (208) 756-3070

March 8, 1993

A parcel of land located in the NW 1/4 SW 1/4 of Section 8, T. 21 N., R. 22 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at the West 1/4 corner of said Section 8, from which the SW corner of Section 8 bears S. 00° 05' 16" W. the basis of bearing of this survey, run thence S. 68° 40' 55" E. a distance of 707.73 ft. to the northwest corner of Lot 1, Cemetery Lane Subdivision, Thence S. 65° 00' 00" E. along the northerly boundary of Lot 1, a distance of 78.58 ft. to the POINT OF BEGINNING.

Thence continuing S. 65° 00' 00" E. a distance of 291.10 ft. to the northeast corner of Lot 1;

Thence S. 00° 05' 50" W. along the easterly boundary of Lot 1, a distance of 1234.25 ft. to the SE corner of Lot 1;

Thence N. 85° 19' 19" W. along the southerly boundary of Lot 1, a distance of 235.88 ft.;

Thence N. 00° 05' 08" E. a distance of 1045.75 ft.;

Thence N. 06° 52' 43" W. a distance of 121.03 ft.;

Thence N. 04° 33' 16" W. a distance of 172.65 ft. to the POINT OF BEGINNING.

PARCEL CONTAINS 7.01 ACRES.



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JUL 26 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). 75-10467

1. ☐ No Change NAME IS SAME
☐ NEW OWNER: _____
☐ No Change ADDRESS _____
☐ NEW ADDRESS: _____

2. ☒ No Change - DATE OF PRIORITY: Completed evidence submitted
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: _____
(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE
☐ Source is different than that claimed:

Source found: _____

4. ☒ No Change — POINT OF DIVERSION
☐ Point of diversion is different than the claim and/or new P/D's:
GPS Site Tag No.: A0017281

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete description, list below:

near gate to ditch

6. ☒ No Change - WATER USES
☐ Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. ☒ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

8. ☒ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. ☒ No Change — PLACE OF USE: (If changed, list below.)

Use: <u>irrig</u>	Township <u>21N</u>	Range <u>22E</u>	Section <u>8</u>	1/4 <u>NW</u>	1/4 <u>SW</u>
Use: <u>irrig</u>	Township <u>21N</u>	Range <u>22E</u>	Section <u>8</u>	1/4 <u>SW</u>	1/4 <u>SW</u>
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

Remarks: (Comments pertinent to field examination) ☐ See additional attachment

appears to go into SW SW of section 8 - see
attached maps. ditch to flood irrigation

☐ SYSTEM DIAGRAM INCLUDED

☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 08-02-06

FIELD EXAMINER: Asher Barton

Print Name

Signature



75-10467

RECEIVED
JUL 27 2005
DEPARTMENT OF
WATER RESOURCES

To Whom it May Concern;

Enclosed please find a notarized copy of a letter from Sandy Sims who's family has owned the property since the 1930's or earlier. He only has personal knowledge of water use since the 1940's as he was not alive in the 30's. Fred Snook owned the property after Sandy and my parents, Gary and Vicki Boyce, bought it from him, we currently and always have irrigated through the existing source that the previous owners used.

Thank you



Holly Smith

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JUL 28 2005

Sandy Sims
25 Adams Ranch Rd.
Boise, ID 83716

June 25, 2005

To Whom It May Concern:

My family owned the property known as the "Sims Ranch," of which the parcel now known as Lot 1 of Cemetery Subdivision was once a part. I am personally aware that the Sims Ranch was irrigated continuously from the Lemhi River between 1948 and 1971. I sold the Sims Ranch in 1971, and I am not aware of water use relating to the property since then.

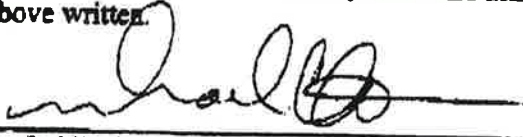

Sandy Sims

STATE OF IDAHO)
) ss.
County of Ada)

On this 25th day of July, 2005, before me, the undersigned, a Notary Public in and for said state, personally appeared Sandy Sims, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.




Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 5/22/09

SCANNED

JUL 28 2005

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: M008870

Date: 05/03/90
Time: 07:22:45

Received

From: BOYCE TRANSFER & STORAGE

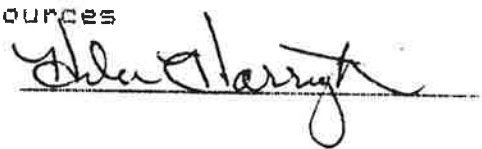
Type of Payment	Program Acct Class	Amount
ADJUDICATION FEE - BOYCE, GARY/VICKI	0410162 9337 6490	\$59.00
Total		\$59.00

CHECK 5768

WR/NO: A75-10467

Idaho Department of Water Resources

Region: MOBILE 1

Signature: 

SCANNED

JUL 28 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-10467

WATER RIGHT NUMBER: 75-10467

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	VICKI L BOYCE 7 MCDONALD RD SALMON, ID 83467-5158 (208)756-3745
Current Owner	GARY E BOYCE 7 MCDONALD RD SALMON, ID 83467-5158 (208)756-3745

Priority Date: 09/01/1930
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.180 CFS	
<u>Total Diversion:</u>		0.180 CFS	

Location of Point(s) of Diversion

WASTE WATER	NE1/4NW1/4SW1/4	Sec. 8, Twp 21N, Rge 22E, B.M.
LEMHI County		

Place of Use

IRRIGATION Within LEMHI County

T21N R22E S08 NWSW 9.0

Total Acres: 9

Conditions of Approval:

1. PROPERTY ALSO DESCRIBED AS LOT 1, CEMETERY LANE SUBD.

Remarks:

SCANNED
JUL 28 2005

Bob Thomas.

Copy

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: A75-10467
Date Received: 5/03/1990
Receipt No: MO06810
Received By: cat

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GARY E. BOYCE
Address: RT. 1, BOX 127
SALMON, ID 83467 208-756-3745
OR
Name: VICKI BOYCE
Address: RT. 1, BOX 127
SALMON, ID 83467 208-756-3745
2. Date of Priority: SEP 01, 1930
3. Source: WASTEWATER Trib. to: SALMON RIVER
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 21N | 22E | 8 | NE | NW | SW | | LEMHI |
5. Description of diverting works:
DITCH
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.180 | | |
7. Total Quantity Appropriated is:
0.180 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 22.5 Acre Feet Per Annum.
9. Non-irrigation uses:

A75-10467

Page 1

Date: 05/03/90

SCANNED

JUN 28 2005

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
21N	22E	8	NW SW		IRR	9.0
Section Acres						9.0
Total Acres						9.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:
NONE

14. Remarks:
PROPERTY ALSO DESCRIBED AS LOT 1, CEMETERY LANE SUBD.

15. Basis of Claim: BENEFICIAL USE

A PARCEL OF LAND LOCATED IN THE NW1/4SW1/4 OF SECTION 8, T. 21 N., R. 22 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, ALSO KNOWN AS A PORTION OF LOT 1 OF CEMETERY LANE SUBDIVISION, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 8, FROM WHICH THE SW CORNER OF SECTION 8 BEARS S. 00 DEGREES 05' 16" W. THE BASIS OF BEARING OF THIS SURVEY RUN THENCE S. 68 DEGREES 40' 55" E., A DISTANCE OF 707.73 FEET TO THE NORTHWEST CORNER OF LOT 1 CEMETERY LANE SUBDIVISION. THENCE S. 65 DEGREES 00' 00" E., ALONG THE NORTHERLY BOUNDARY OF LOT 1, A DISTANCE OF 78.58 FEET TO THE POINT OF BEGINNING.

THENCE CONTINUING S. 65 DEGREES 00' 00" E., A DISTANCE OF 291.10 FEET TO THE NORTHEAST CORNER OF LOT 1;

THENCE S. 00 DEGREES 05' 50" W., ALONG THE EASTERLY BOUNDARY OF LOT 1, A DISTANCE OF 1234.25 FEET TO THE SE CORNER OF LOT 1.

THENCE N. 85 DEGREES 19' 19" W., ALONG THE SOUTHERLY BOUNDARY OF LOT 1, A DISTANCE OF 235.88 FEET;

THENCE N. 00 DEGREES 05' 08" E., A DISTANCE OF 1045.75 FEET;

THENCE N. 06 DEGREES 52' 43" W., A DISTANCE OF 121.03 FEET;

THENCE N. 04 DEGREES 33' 16" W., A DISTANCE OF 172.65 FEET TO THE POINT OF BEGINNING.

INITIAL RMB

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 75-14351
Date Received: 5/3/1990
Receipt No:
Received By:

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

1. Name of Claimant(s)

J PAUL SMITH
17 CEMETARY LN
SALMON ID USA 83467

Phone: (208)756-2435

HOLLY L SMITH
17 CEMETARY LN
SALMON ID USA 83467

Phone: (208)756-2435

2. Date of Priority: 09/01/1930

3. Source: WASTE WATER Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
21N	22E	8	NE NW SW	LEMHI	

5. Description of diverting works:

DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.14	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
----------	-------	---------	----------------	-----	-------

21N	22E	8	NW	SW	IRRIGATION	7
					Section Acres	7
					Total Acres	7

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

This right is a split from former right 75-10467 .

15. Basis of Claim: Beneficial Use