

RECEIVED

MAR 21 2016

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

80857

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Smith Teton Ranch, LLCCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes ☐ N/A ☐ * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☒ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☒ ☐ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Smith Teton Ranch, LLC Phone 1-650-327-7878
Mailing address 3260 Ash Street, Palo Alto, CA 94306-2204 Email boyd@wsjproperties.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Robert L. Harris Phone 208-523-0620
Mailing address PO Box 50130, Idaho Falls, ID 83405 Email rharris@holdenlegal.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Robert L. Harris
Signature of Applicant or Authorized Representative

Robert L. Harris, Attorney
Print Name and Title if applicable

March 18, 2016
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

This transfer simply rearranges the place of use of the applicant's water rights authorized to divert through the Killpack Ditch/Pipeline. The change is necessary because pivots are being installed on the ranch.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	22-42	0.8	Irrigation	04/15 to 10/31	South Leigh Ck/Teton Riv.
☒ ☐	22-160	3.2	Irrigation	04/15 to 10/31	South Leigh Ck/Teton Riv.
☒ ☐	22-545	1.8	Irrigation	04/15 to 10/31	South Leigh Ck/Teton Riv.
☒ ☐	22-616	8	Irrigation	04/15 to 10/31	South Leigh Ck/Teton Riv.
☒ ☐	22-13144	3.6	Irrigation	04/15 to 10/31	South Leigh Ck/Teton Riv.
☒ ☐	22-13148	2.9	Irrigation	04/15 to 10/31	South Leigh Ck/Teton Riv.
☒ ☐	22-13160	0.63	Irrigation	04/15 to 10/31	South Leigh Ck/Teton Riv.
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 20.93 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 20.93 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

(2.16 cfs)

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			SEE		ATTA	CHE	D		SPR	EAD	SHE	ETS							
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Killpack Ditch/Pipeline. Diversion has a measuring device and lockable controlling works.

- b. Who owns the property at the point(s) of diversion? Applicant owns where conveyance system enters Idaho.

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☒ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Rearranged place of use.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Same POD: 22-42, 22-160, 22-239A, 22-239B, 22-303D, 22-303E, 22-303F, 22-304D, 22-304E, 22-304F, 22-366B, 22-366C, 22-367B, 22-367C, 22-545, 22-611A, 22-611B, 22-613D, 22-613F, 22-613G, 22-616, 22-619A, 22-619B, 22-619C, 22-16525, 22-13526, and 22-13588; Same POU: also 22-13143 & 22-13147.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|-------------------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☒ | ☐ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

Portions of 22-42 and 22-616 have been rented/leased as a package by the Applicant in order to perform experimental ground water recharge. Applicant intends to substitute 22-13143 and 22-13147 for these rights (22-42 and 22-616) in the Water Supply Bank.

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.**

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

Transfer contains _____ pages and _____ attachments.
 Received by MH Date 3/21/16 Preliminary check by MH Date 4/22/16
 Fee paid \$666.00 - Date 3/21/2016 Received by JB Receipt # E041931
 Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

PLACE OF USE DESCRIPTION AFTER PROPOSED CHANGES

TWP	RGE	SEC	NE 1/4			NW 1/4			SW 1/4			SE 1/4			TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	45E	25										14	27	39	117
06N	45E	36	37	34	15	22	36	34	7.6	13					198.6
06N	46E	30									22	24	32	37	253
06N	46E	31	40	40	38	22	40	38	22	33					273
06N	46E	32		14	28		32	36	14	15		25			164
															0
															0
TOTAL															1005.6

PLACE OF USE DESCRIPTION AFTER PROPOSED CHANGES

TWP	RGE	SEC	NE 1/4			NW 1/4			SW 1/4			SE 1/4			TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	45E	25										14	27	39	117
06N	45E	36	37	34	15	22	36	34	7.6	13					198.6
06N	46E	30													253
06N	46E	31	40	40	38	22	40	38	22	33	22	24	32	37	273
06N	46E	32		14	28		32	36	14	15		25			164
TOTAL															1005.6

PLACE OF USE DESCRIPTION BEFORE PROPOSED CHANGES

TWP	RGE	SEC	NE 1/4			NW 1/4			SW 1/4			SE 1/4			TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	45E	25										14	27	39	117
06N	45E	36	39		21	25			7.6	21	40				192.6
06N	46E	30									22	24	32	37	253
06N	46E	31	40	40	38	22	40	38	26	35					279
06N	46E	32		14	28		32	36	14	15		25			164
TOTAL															1005.6

CHANGE IN ACRES

TWP	RGE	SEC	NE 1/4			NW 1/4			SW 1/4			SE 1/4			TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	45E	25													
06N	45E	36	-2	34	-6	-3	36	34		-8	-40				6
06N	46E	30													
06N	46E	31							-4	-2					-6
06N	46E	32													
TOTAL															0

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/18/2016

WATER RIGHT NO. 22-42

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SMITH TETON RANCH LLC 3260 ASH ST PALO ALTO, CA 94306 (650) 327-7878
Attorney	HOLDEN KIDWELL HAHN & CRAPO C/O ROBERT L HARRIS PO BOX 50130 IDAHO FALLS, ID 83405-0130 (208)523-0620
Original Owner	SUSAN TWINING
Original Owner	EDMUND S TWINING III PO BOX 101 TETONIA, ID 83452 (208)456-2310

Priority Date: 01/22/1916

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

<u>Source</u>	<u>Tributary</u>
SOUTH LEIGH CREEK	TETON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.8 CFS	
Total Diversion			0.8 CFS	

Location of Point(s) of Diversion:

80857

SOUTH LEIGH CREEK|NENWNE Lt 1|Sec. 32|Township 06N|Range 46E|TETON County

IRRIGATION Use:

Acre Limit: 40

Place(s) of use:

Place of Use Legal Description: IRRIGATION TETON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	45E	25		NESE	14		NWSE	27		SWSE	39		SESE	37
				NENE	39		SWNE	21		SENE	25			
		36		SWNW	7.6		SENE	21						
				NESW	40									
				NWSE	39									
				NESW	22	3	NWSW	24	4	SWSW	32		SESW	37
	46E	30		NESE	34		NWSE	26		SWSE	39		SESE	39
				NENE	40		NWNE	40		SWNE	38		SENE	22
		31		NENW	40	1	NWNW	38	2	SWNW	26		SENE	22
				NWNE	14	2	SWNE	28					SENE	22
		32	1	NENW	32		NWNW	36		SWNW	14		SENE	22
				NWNE	14	2	SWNE	28					SENE	22
				NENW	32		NWNW	36		SWNW	14		SENE	22
		32	1	NWNE	14	2	SWNE	28					SENE	22
				NENW	32		NWNW	36		SWNW	14		SENE	22
			3	NWSE	25								SENE	22

Total Acres: 1005.6

Conditions of Approval:

1. K06 This right is limited to the irrigation of 40 acres within the place of use described above in a single irrigation season.
2. 158 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).
3. E56 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.
4. 160 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.
5. C18 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),

80857

Idaho Code.

- 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 1005.6 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.
6. E56
 7. F15 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.
 8. F01 Water is delivered through Killpack Pipeline.
 9. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
 10. R63 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.
 11. R05 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.
 12. T07 The right holder shall accomplish the change authorized by transfer 74019 by November 23, 2008.
 13. T08 Failure of the right holder to comply with the conditions of transfer 74019 is cause for the Director to rescind approval of the transfer.
 14. R43 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).
 15. E52 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.

Dates:

Licensed Date:

Decreed Date: 11/28/2008

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 01

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 1005.6

Combined Volume Limit:

80857

Combined Rate Limit: 32.31

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Water Supply Bank:

Lessor Name(s): THE BOYD CHARLES SMITH & JILL JOHNSON SMITH TRUST

Lease Status: Active

Lease Amount: 64.8

Rental Availability: None

Date Received: 4/8/2013

Lease Begin Date: 5/21/2013

Expiration Date: 12/31/2017

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/18/2016

WATER RIGHT NO. 22-160

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SMITH TETON RANCH LLC 3260 ASH ST PALO ALTO, CA 94306 (650) 327-7878
Attorney	HOLDEN KIDWELL HAHN & CRAPO C/O ROBERT L HARRIS PO BOX 50130 IDAHO FALLS, ID 83405-0130 (208)523-0620
Original Owner	SUSAN TWINING
Original Owner	EDMUND S TWINING III PO BOX 101 TETONIA, ID 83452 (208)456-2310

Priority Date: 06/01/1891

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SOUTH LEIGH CREEK	TETON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	3.2 CFS	
Total Diversion			3.2 CFS	

Location of Point(s) of Diversion:

80857

SOUTH LEIGH CREEK|NENWNE Lt 1|Sec. 32|Township 06N|Range 46E|TETON County

IRRIGATION Use:

Acre Limit: 160

Place(s) of use:

Place of Use Legal Description: IRRIGATION TETON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	45E	25		NESE	14		NWSE	27		SWSE	39		SESE	37
				NENE	39		SWNE	21		SENE	25			
		36		SWNW	7.6		SENE	21						
				NESW	40									
				NWSE	39									
	46E	30		NESW	22	3	NWSW	24	4	SWSW	32		SESW	37
				NESE	34		NWSE	26		SWSE	39		SESE	39
		31		NENE	40		NWNE	40		SWNE	38		SENE	22
				NENW	40	1	NWNW	38	2	SWNW	26		SENE	35
		32	1	NWNE	14	2	SWNE	28						
				NENW	32		NWNW	36		SWNW	14		SENE	15
			3	NWSE	25									

Total Acres: 1005.6

Conditions of Approval:

1. K06 This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.
2. 158 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).
3. E56 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.
4. 160 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.
5. C18 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.

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6. E56 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 1005.6 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.
7. F15 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.
8. F01 Water is delivered through Killpack Pipeline.
9. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
10. R63 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.
11. R05 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.
12. T07 The right holder shall accomplish the change authorized by transfer 74019 by November 23, 2008.
13. T08 Failure of the right holder to comply with the conditions of transfer 74019 is cause for the Director to rescind approval of the transfer.
14. R43 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).
15. E52 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.

Dates:

Licensed Date:

Decreed Date: 11/28/2008

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 1005.6

Combined Volume Limit:

Combined Rate Limit: 32.31

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Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

80857

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/18/2016

WATER RIGHT NO. 22-545

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SMITH TETON RANCH LLC 3260 ASH ST PALO ALTO, CA 94306 (650) 327-7878
Attorney	HOLDEN KIDWELL HAHN & CRAPO C/O ROBERT L HARRIS PO BOX 50130 IDAHO FALLS, ID 83405-0130 (208)523-0620

Priority Date: 06/01/1896

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SOUTH LEIGH CREEK	TETON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	1.8 CFS	
Total Diversion			1.8 CFS	

Location of Point(s) of Diversion:

SOUTH LEIGH CREEK | NENWNE Lt 1 | Sec. 32 | Township 06N | Range 46E | TETON County

IRRIGATION Use:

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Acre Limit: 90

Place(s) of use:

Place of Use Legal Description: IRRIGATION TETON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06N	45E	25		NESE	14		NWSE	27		SWSE	39		SESE	37
				NENE	39		SWNE	21		SENE	25			
				SWNW	7.6		SENE	21						
				NESW	40									
				NWSE	39									
	46E	30		NESW	22	3	NWSW	24	4	SWSW	32		SESW	37
				NESE	34		NWSE	26		SWSE	39		SESE	39
		31		NENE	40		NWNE	40		SWNE	38		SENE	22
				NENW	40	1	NWNW	38	2	SWNW	26		SENE	35
		32	1	NWNE	14	2	SWNE	28						
				NENW	32		NWNW	36		SWNW	14		SENE	15
			3	NWSE	25									

Total Acres: 1005.6

Conditions of Approval:

1. K06 This right is limited to the irrigation of 90 acres within the place of use described above in a single irrigation season.
2. 158 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).
3. E56 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.
4. 160 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.
5. C18 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.
6. E56 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 1005.6 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, 22-13016, 22-481A, 22-482A,

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- 22-483A, 22-2029D, 22-130D, 22-136C, 22-515B, 22-516B, and 22-517B.
7. F15 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.
 8. F01 Water is delivered through Killpack Pipeline.
 9. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
 10. R63 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.
Use of water under this right will be regulated by a watermaster with responsibility for the
 11. R05 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.
 12. T07 The right holder shall accomplish the change authorized by transfer 74019 by November 23, 2008.
 13. T08 Failure of the right holder to comply with the conditions of transfer 74019 is cause for the Director to rescind approval of the transfer.
 14. R43 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).
 15. E52 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.

Dates:

Licensed Date:

Decreed Date: 11/28/2008

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 1005.6

Combined Volume Limit:

Combined Rate Limit: 32.31

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

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Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

80857

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/18/2016

WATER RIGHT NO. 22-616

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SMITH TETON RANCH LLC 3260 ASH ST PALO ALTO, CA 94306 (650) 327-7878
Attorney	HOLDEN KIDWELL HAHN & CRAPO C/O ROBERT L HARRIS PO BOX 50130 IDAHO FALLS, ID 83405-0130 (208)523-0620
Original Owner	SUSAN TWINING
Original Owner	EDMUND S TWINING III PO BOX 101 TETONIA, ID 83452 (208)456-2310

Priority Date: 01/22/1916

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

<u>Source</u>	<u>Tributary</u>
SOUTH LEIGH CREEK	TETON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	8 CFS	
Total Diversion			8 CFS	

Location of Point(s) of Diversion:

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SOUTH LEIGH CREEK|NENWNE Lt 1|Sec. 32|Township 06N|Range 46E|TETON County

IRRIGATION Use:

Acre Limit: 400

Place(s) of use:

Place of Use Legal Description: IRRIGATION TETON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06N	45E	25		NESE	14		NWSE	27		SWSE	39		SESE	37
				NENE	39		SWNE	21		SENE	25			
		36		SWNW	7.6		SENE	21						
				NESW	40									
				NWSE	39									
				NESW	22	3	NWSW	24	4	SWSW	32		SESW	37
	46E	30		NESE	34		NWSE	26		SWSE	39		SESE	39
				NENE	40		NWNE	40		SWNE	38		SENE	22
		31		NENW	40	1	NWNW	38	2	SWNW	26		SENE	22
				NWNE	14	2	SWNE	28					SENE	22
		32	1	NENW	32		NWNW	36		SWNW	14		SENE	22
				NWNE	14	2	SWNE	28					SENE	22
		32	1	NENW	32		NWNW	36		SWNW	14		SENE	22
			3	NWSE	25								SENE	22

Total Acres: 1005.6

Conditions of Approval:

1. K06 This right is limited to the irrigation of 400 acres within the place of use described above in a single irrigation season.
2. 158 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).
3. E56 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.
4. 160 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.
5. C18 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),

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Idaho Code.

- 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 1005.6 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.
6. E56
 7. F15 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.
 8. F01 Water is delivered through Killpack Pipeline.
 9. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
 10. R63 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.
 11. R05 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.
 12. T07 The right holder shall accomplish the change authorized by transfer 74019 by November 23, 2008.
 13. T08 Failure of the right holder to comply with the conditions of transfer 74019 is cause for the Director to rescind approval of the transfer.
 14. R43 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).
 15. E52 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.

Dates:

Licensed Date:

Decreed Date: 11/28/2008

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 1005.6

Combined Volume Limit:

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Combined Rate Limit: 32.31

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Water Supply Bank:

Lessor Name(s): THE BOYD CHARLES SMITH & JILL JOHNSON SMITH TRUST

Lease Status: Active

Lease Amount: 534.8

Rental Availability: None

Date Received: 4/8/2013

Lease Begin Date: 5/21/2013

Expiration Date: 12/31/2017

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/18/2016

WATER RIGHT NO. 22-13160

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SMITH TETON RANCH LLC 3260 ASH ST PALO ALTO, CA 94306 (650) 327-7878

Priority Date: 01/18/1905

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SOUTH LEIGH CREEK	TETON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.63 CFS	
Total Diversion			0.63 CFS	

Location of Point(s) of Diversion:

SOUTH LEIGH CREEK | NENWNE Lt 1 | Sec. 32 | Township 06N | Range 46E | TETON County

IRRIGATION Use:

Acre Limit: 40

Place(s) of use:

Place of Use Legal Description: IRRIGATION TETON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06N	45E	25		NESE	14		NWSE	27		SWSE	39		SESE	37
				NENE	39		SWNE	21		SENE	25			
				SWNW	7.6		SENE	21						
				NESW	40									
				NWSE	39									
	46E	30		NESW	22	3	NWSW	24	4	SWSW	32		SESW	37
				NESE	34		NWSE	26		SWSE	39		SESE	39
		31		NENE	40		NWNE	40		SWNE	38		SENE	22
				NENW	40	1	NWNW	38	2	SWNW	26		SENE	35
		32	1	NWNE	14	2	SWNE	28						
				NENW	32		NWNW	36		SWNW	14		SENE	15
			3	NWSE	25									

Total Acres: 1005.6

Conditions of Approval:

1. X27 This right is limited to the irrigation of 40 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 22-42, 22-160, 22-545, 22-616, and 22-13160 when combined shall not exceed the irrigation of 688.9 acres.
3. X35 Rights 22-312, 22-487C, 22-13016, 22-42, 22-160, 22-545, 22-616, and 22-13160 when combined shall not exceed the irrigation of 736.3 acres.
4. X35 Rights 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, 22-517B, and 22-7609 when combined shall not exceed a total diversion rate of 32.31 cfs and the irrigation of 1005.6 acres.
5. R63 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 place of use.
6. R43 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).
7. R05 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. 1.
8. 158 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).
9. 160 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.

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10. F15 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.
11. F01 Water is delivered through Killpack Pipeline.
12. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 11/28/2008

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 01

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Combined Acres Limit: 1005.6

Combined Volume Limit:

Combined Rate Limit: 32.31

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/18/2016

WATER RIGHT NO. 22-13144

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SMITH TETON RANCH LLC 3260 ASH ST PALO ALTO, CA 94306 (650) 327-7878
Attorney	HOLDEN KIDWELL HAHN & CRAPO C/O ROBERT L HARRIS PO BOX 50130 IDAHO FALLS, ID 83405-0130 (208)523-0620
Trustee	BOYD CHARLES SMITH
Trustee	JILL JOHNSON SMITH 301 COLERIDGE AVE PALO ALTO, CA 94301 (415)327-7878
Original Owner	EPH TAYLOR , ID
Original Owner	JAMES W BEARD 1790 S LEIGH CANYON RD ALTA, WY 83414 (307)576-2810

Priority Date: 01/22/1916

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SOUTH LEIGH CREEK	TETON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
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1

IRRIGATION 04/15 10/31 3.6 CFS
 Total Diversion 3.6 CFS

Location of Point(s) of Diversion:

SOUTH LEIGH CREEK SWNW Lt 2 Sec. 31 Township 06N Range 46E TETON County
 SOUTH LEIGH CREEK SWNW Lt 2 Sec. 31 Township 06N Range 46E TETON County
 SOUTH LEIGH CREEK NWNWSW Sec. 32 Township 06N Range 46E TETON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION TETON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	45E	25		NESE	14		NWSE	27		SWSE	39		SESE	37
				NENE	39		SWNE	21		SENE	25			
		36		SWNW	7.6		SENE	21						
				NESW	40									
				NWSE	39									
	46E	30		NESW	22	3	NWSW	24	4	SWSW	32		SESW	37
				NESE	34		NWSE	26		SWSE	39		SESE	39
		31		NENE	40		NWNE	40		SWNE	38		SENE	22
				NENW	40	1	NWNW	38	2	SWNW	26		SENE	35
		32	1	NWNE	14	2	SWNE	28						
				NENW	32		NWNW	36		SWNW	14		SENE	15
			3	NWSE	25									

Total Acres: 1005.6

Conditions of Approval:

1. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
2. C18 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.
3. F01 Water is delivered through Desert Ditch, South Beard Ditch and or North Beard Ditch.
4. E55 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.

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5. P21 This right is a split from former right 22-615A.
The rights listed below are limited to the irrigation of a combined total of 1005.6 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.
6. E56
7. R63 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.
Use of water under this right will be regulated by a watermaster with responsibility for the
8. R05 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.
9. T07 The right holder shall accomplish the change authorized by transfer 74019 by November 23, 2008.
10. T08 Failure of the right holder to comply with the conditions of transfer 74019 is cause for the Director to rescind approval of the transfer.
11. R43 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).
12. E52 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.

Dates:

Licensed Date:

Decreed Date: 11/28/2008

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 01

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 1005.6

Combined Volume Limit:

Combined Rate Limit: 32.31

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

80857

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/18/2016

WATER RIGHT NO. 22-13148

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SMITH TETON RANCH LLC 3260 ASH ST PALO ALTO, CA 94306 (650) 327-7878
Attorney	HOLDEN KIDWELL HAHN & CRAPO C/O ROBERT L HARRIS PO BOX 50130 IDAHO FALLS, ID 83405-0130 (208)523-0620
Trustee	BOYD CHARLES SMITH
Trustee	JILL JOHNSON SMITH 301 COLERIDGE AVE PALO ALTO, CA 94301 (415)327-7878
Original Owner	B W CLAWSON , ID
Original Owner	JAMES W BEARD 1790 S LEIGH CANYON RD ALTA, WY 83414 (307)576-2810

Priority Date: 01/18/1905

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SOUTH LEIGH CREEK	TETON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
			80857	1

IRRIGATION	04/15	10/31	2.9 CFS
Total Diversion			2.9 CFS

Location of Point(s) of Diversion:

SOUTH LEIGH CREEK	SWNW Lt 2	Sec. 31	Township 06N	Range 46E	TETON County
SOUTH LEIGH CREEK	SWNW Lt 2	Sec. 31	Township 06N	Range 46E	TETON County
SOUTH LEIGH CREEK	NWNWSW	Sec. 32	Township 06N	Range 46E	TETON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION TETON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	45E	25		NESE	14		NWSE	27		SWSE	39		SESE	37
				NENE	39		SWNE	21		SENE	25			
		36		SWNW	7.6		SENE	21						
				NESW	40									
				NWSE	39									
	46E	30		NESW	22	3	NWSW	24	4	SWSW	32		SESW	37
				NESE	34		NWSE	26		SWSE	39		SESE	39
		31		NENE	40		NWNE	40		SWNE	38		SENE	22
				NENW	40	1	NWNW	38	2	SWNW	26		SENE	35
		32	1	NWNE	14	2	SWNE	28						
				NENW	32		NWNW	36		SWNW	14		SENE	15
			3	NWSE	25									

Total Acres: 1005.6

Conditions of Approval:

1. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
2. C18 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.
3. F01 Water is delivered through Desert Ditch, South Beard Ditch and or North Beard Ditch.
4. E55 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.

80857

5. P21 This right is a split from former right 22-208A.
The rights listed below are limited to the irrigation of a combined total of 1005.6 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.
6. E56
7. R63 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.
Use of water under this right will be regulated by a watermaster with responsibility for the
8. R05 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.
9. T07 The right holder shall accomplish the change authorized by transfer 74019 by November 23, 2008.
10. T08 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 maintain a measuring device and lockable controlling works of a type
11. R43 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
12. E52 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.

Dates:

Licensed Date:

Decreed Date: 11/28/2008

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 01

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 1005.6

Combined Volume Limit:

Combined Rate Limit: 32.31

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

80857

3/18/2016

Water Right Report

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

80857

Attachment No. 4

Power of Attorney



Holden Kidwell
Hahn & Crapo PLLC
LAW OFFICES

Robert L. Harris
Attorney at Law

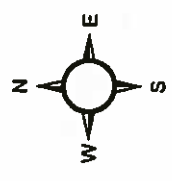
1000 Riverwalk Dr., Ste. 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
rharris@holdenlegal.com

Attachment No. 7a

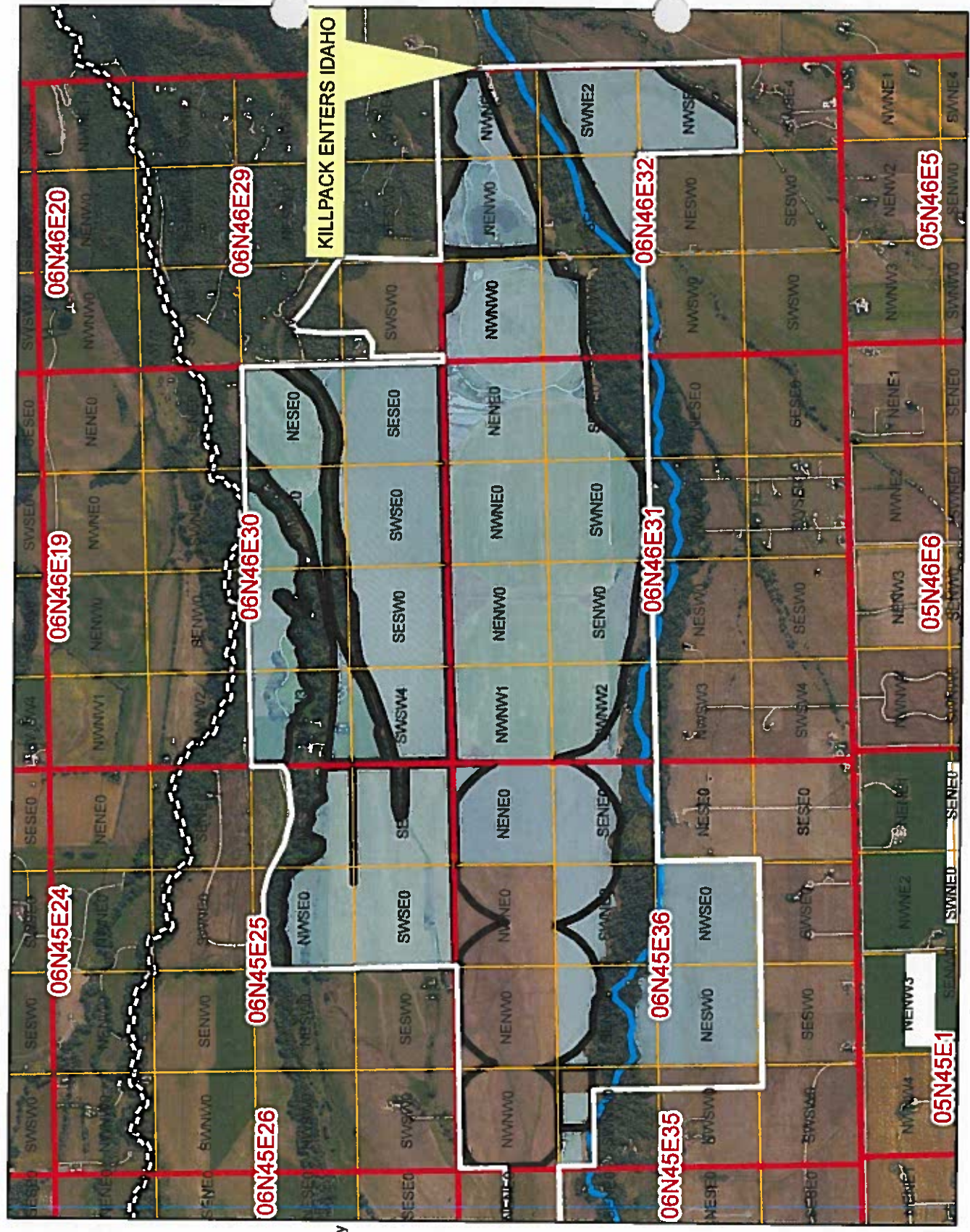
Map

SMITH TETON RANCH, LLC TRANSFER



Legend

- Smith Teton Ranch Boundary
- Section Lines
- Quarter-quarters
- 1005.6_Acre_POU_Original
- 1005.6_Acre_POU_Revised
- S.Leigh.Creek
- N.Leigh.Creek



1.8 Miles

0.9

0.45

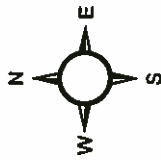
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Prepared by:
Robert L. Harris
2015 NAIP Aerial Photo

80857

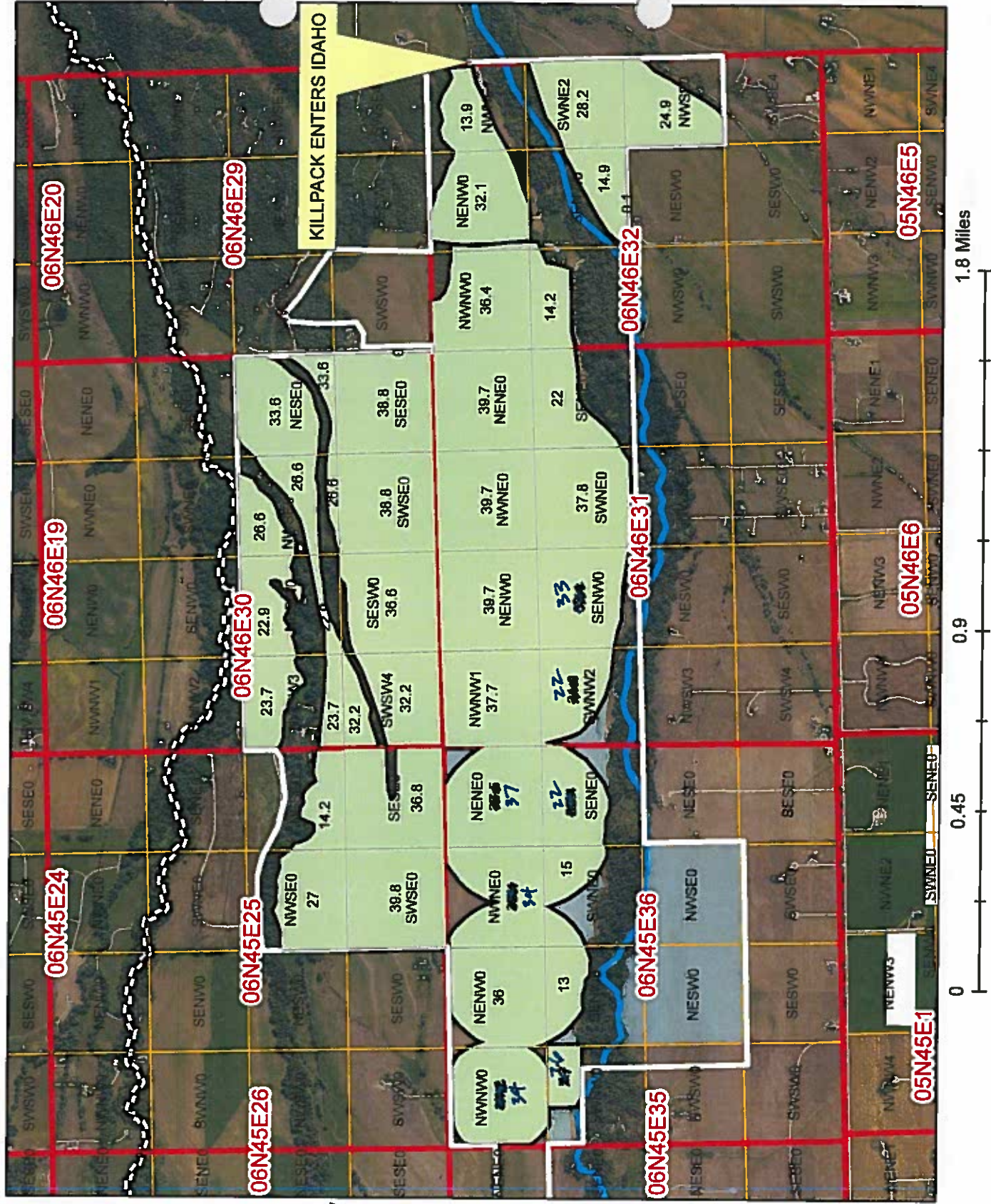
Attachment No. 7b Map (GIS shapefile)

SMITH TETON RANCH, LLC TRANSFER



Legend

- Acres by QQ
- Smith Teton Ranch Boundary
- Section Lines
- Quarter-quarters
- 1005.6_Acre_POU Revised
- 1005.6_Acre_POU_Original
- S.Leigh.Creek
- N.Leigh.Creek



Prepared by:
Robert L. Harris
2015 NAIP Aerial Photo

Attachment No. 9 Water Supply Bank Information

COPY

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT

RECEIVED
MAY 07 2015
DEPARTMENT OF
WATER RESOURCES

This is to certify that: **THE BOYD CHARLES SMITH & JILL JOHNSON SMITH TRUST**
C/O HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID
208-523-0620

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board"), being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank, agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right	Priority Date	Source	Tributary	Rented Rate	Annual Rented Volume	Acre Limit	Total Rented Acres
22-042	1/22/1916	South Leigh Creek	Teton River	0.37 cfs	64.8 af	NA	NA
22-616	1/22/1916	South Leigh Creek	Teton River	3.06 cfs	534.8 af	NA	NA

Annual Combined Rental Totals

3.43 cfs 599.6 af NA NA

Term of Rental: March 20, 2015 to December 31, 2017
Rental Fee: \$1,019.32 annually

The fee for rental of the above-described water is \$10,193.20. Because the renter is also the lessor, the only payment owed is the Board's Administrative fee of ten percent (\$1,019.32). An annual payment shall be received by the Department prior to February 15 each year for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year.

To terminate the agreement prior to the end of the rental period, written notice must be received by the Department at least 30 days prior to the rental fee due date.

No rental fees will be refunded once the fee is collected and the start date for a Rental Agreement has passed.

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

Robert L. Jarris
Signature of Renter

ROBERT L. JARRIS, ATTORNEY
Printed Name and Title*
FOR THE
RENTER

4/30/2015
Date

Signature of Renter

Printed Name and Title*

Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

Brian Patton
By

BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date May 7, 2015

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT
WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

22-42 and 22-616:

SOUTH LEIGH CREEK NW¼NE¼ Lot 1 Sec. 32 Twp 06N Rge 46E TETON County

BENEFICIAL USE

GROUND WATER RECHARGE

SEASON OF USE

04/15 TO 10/31

RENTER'S PLACE OF USE:

Twp	Rge	Sec	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
06N	46E	31	X															

CONDITIONS APPLICABLE TO ALL RENTED WATER RIGHTS

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in the ongoing Snake river Basin Adjudication or any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
5. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
6. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
7. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
8. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
9. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
10. No recharge may occur unless the stream flow in South Leigh Creek is at least 100 cfs as measured at approximately 300 feet downstream of State Line Road on South Leigh Creek at the location of a currently-installed measuring device located at latitude and longitude: -111.047595 West, 43.806952 North (hereafter referenced as the "South Leigh Creek Stream Gauge").

11. The beneficial use of water under this rental agreement is authorized once water permit 22-13690 is no longer in priority. The flow of water diverted at the point of diversion above shall provide no more than 12 cfs when permit 22-13690 is in priority.
12. The renter shall install and maintain measuring devices approved by the Idaho Department of Water Resources at the authorized point of diversion listed above.
13. The renter shall install and maintain measuring devices approved by IDWR at the Killpack Canal headgate on South Leigh Creek.
14. The renter shall install and maintain magnetic induction type flow meters with totalizing functions at the point of discharge from the renter's surface water recharge pipes and shall record the total amount diverted weekly.
15. Prior to the diversion and use of water under this rental agreement, the right holder shall install and maintain all fish screening and/or fish passage devices required by the Idaho Department of Fish and Game.
16. Prior to the diversion and use of water under this rental agreement, the water right holder shall install and maintain a measuring device and data logger at the South Leigh Creek Stream Gauge. The data logger shall record flows in the South Leigh Creek at least once every 24 hours. All measurements shall be provided to IDWR annually for the duration of this rental agreement.
17. All data obtained from new production well pump testing, from the monitoring wells and from the South Leigh Creek stream gauge shall be provided to IDWR on a yearly basis for the duration of this rental agreement, accompanied with an interpretive analysis and report, which shall include plots and analysis of recharge, pumping, water level changes and verification of how the system was operated and the extent of recharge available for pumping. The report shall account for the volume and duration of time water was diverted under permit 22-13690 and the volume and duration of time water was diverted under this rental agreement. The interpretive analysis and report shall be completed by a qualified professional and filed with IDWR by January 31st of each year, and shall contain an analysis of data through the end of the water year (October 31st). Once the data and report are submitted, the information shall be scanned by IDWR personnel and made available on the Idaho Department of Water Resource's website.
18. Under no circumstances shall the renter be permitted to reduce the flow in South Leigh Creek below 100 cfs as measured at the South Leigh Creek Stream Gauge. Furthermore, diversion and use of water shall not exceed a magnitude of 10 percent (10%) of the stream flow in South Leigh Creek as measured at the South Leigh Creek Stream Gauge.
19. The water rented under this agreement is appurtenant to irrigation of 171.3 acres.
20. The renter must continue to diligently pursue beneficial use of water under permit 22-13690 for the duration of this rental agreement.
21. Use of water under this agreement 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 Water District No. 1.