

JAN 14 2015Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 80568**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: Approved Transfer No. 74019 (see page 11), and partial decree for 22-13160.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 14 2015

Department of Water Resources
Eastern Region

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of Applicant(s) Smith Teton Ranch, LLCPhone 1-650-327-7878Mailing address 3260 Ash Street, Palo Alto, CA 94306-2204Email 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. HarrisPhone (208) 523-0620Mailing address P.O. Box 50130, Idaho Falls, ID 83405Email 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

1/12/2015
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use

☐ Add diversion point(s)
☐ Change period of use

☐ Change place of use
☒ Other Correct clerical error for POD legal description.
- 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**.
 The purpose of this transfer is to correct a clerical error made when the partial decree was issued for Water Right No. 22-13160 (either the NCAP was or SRBA data entry was incorrect). On the partial decree the legal description for the point of diversion is incorrectly shown as T06N, R45E, S32, Lot 1. The range should be 46E, not 45E.

**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 ☒ ☐	22-13160	0.63 cfs	Irrigation	04-15 to 10/31	South Leigh Creek/Teton River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.63 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.63 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ 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 #
	1	NE	NW	NE	32	06N	46E	Teton	South Leigh Creek	Killpack Pipeline

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	
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: There will be no change to the current diversion system. The conditions on the water right accurately state that the true point of diversion for this water right is located in Wyoming, and that the point of diversion shown is where the conveyance system enters Idaho. The legal description is currently shown as Lt. 1, Sec. 32, T06N, R45E, but it should be Lt. 1, Sec. 32, T06N, R46E. This is a clear error because there is no Lot 1 in section 32 of T06N, R45E. Furthermore, section 32 of T06N, R45E is almost six miles west of the Idaho/Wyoming border. The correct location in Range 46E does have a Lot 1, and it is adjacent to the Wyoming border.

- b. Who owns the property at the point(s) of diversion? The Applicant owns the property where the 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:
None.

- 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:

The following are also diverted from the 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.

- 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:

Attachment No. 4

Power of Attorney

**Attorney Roster Search - Individual Attorney Result
(as of 1/5/15)****Robert Lynn Harris**

Address: PO Box 50130
Idaho Falls, ID 83405
Firm: Holden, Kidwell, Hahn & Crapo, PLLC

Phone: (208) 523-0620 Ext.
FAX: (208) 523-9518

E-Mail Address: rharris@holdenlegal.com
Website Address: www.holdenlegal.com

ISB Membership Number: 7018
Admittance Date: Sep/30/2004
Status: Active

Address Change Form

The information above is based on the Idaho State Bar records as of the date listed above. To send us an update on your own listing, please use the online Address Change Form or send an email to the Licensing Department. Please notify the Licensing Department if you find that another attorney's information is incorrect. Questions on attorney status and good standing should also be directed to the Licensing Department at (208) 334-4500.

Current Status Definitions

Contact the Bar Counsel's Office at (208) 334-4500 to request a disciplinary history on an attorney.

Information on former members of the Idaho State Bar is limited to name, admission date and status. The online records include former members going back to approximately 1994. Records on former members from before 1994 are not available online. Please contact the Licensing Department for more information on former members.

P O Box 895 Boise Idaho 83701 ph (208) 334-4500 fax (208) 334-4515

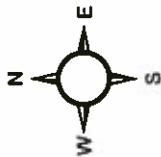
[Idaho State Bar](#) | [Idaho Law Foundation](#) | [Idaho.gov](#) | [Site Map](#) | [Contact Us](#)

80568

Attachment No. 7a

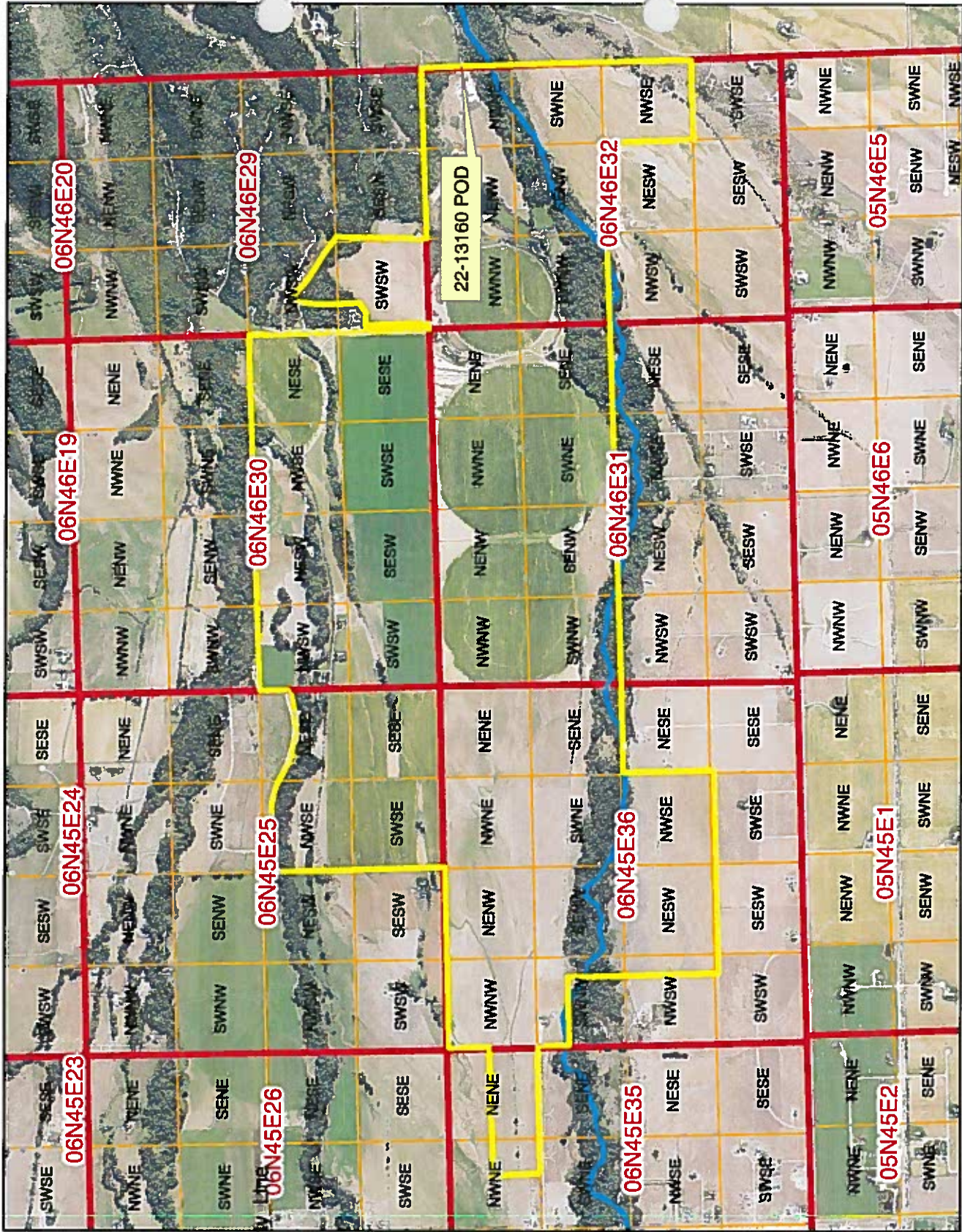
Map

SMITH TETON RANCH, LLC TRANSFER (22-13160)



Legend

- Teton_Ranch_Property_Lite
- S.Leigh.Creek
- Section Lines
- Quarter-quarters



80568

Prepared by:
Robert L. Harris

Attachment No. 10

Other

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74019

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 83405
 (208)523-0620

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
22-13160	AJC/Decreed	01/18/1905	0.63 cfs	N/A	40.0	688.9	SOUTH LEIGH CREEK
22-42	AJC/Decreed	01/22/1916	0.8 cfs	N/A	40.0	688.9	SOUTH LEIGH CREEK
22-616	AJC/Decreed	01/22/1916	8 cfs	N/A	400.0	688.9	SOUTH LEIGH CREEK
22-160	AJC/Decreed	06/01/1891	3.2 cfs	N/A	160.0	688.9	SOUTH LEIGH CREEK
22-545	AJC/Decreed	06/01/1896	1.8 cfs	N/A	90.0	688.9	SOUTH LEIGH CREEK
22-13148	AJC/Decreed	01/18/1905	2.9 cfs	N/A	N/A	153.6	SOUTH LEIGH CREEK
22-13144	AJC/Decreed	01/22/1916	3.6 cfs	N/A	N/A	153.6	SOUTH LEIGH CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
22-13160	NO	NO	YES	NO	NO	NO
22-42	NO	NO	YES	NO	NO	NO
22-616	NO	NO	YES	NO	NO	NO
22-160	NO	NO	YES	NO	NO	NO
22-545	NO	NO	YES	NO	NO	NO
22-13148	NO	NO	YES	NO	NO	NO
22-13144	NO	NO	YES	NO	NO	NO

SUPPORT DATA

IN FILE # 22-42

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
22-13160	22-13160	0.63 cfs	N/A	40.0	1,006.9		N/A	N/A	N/A	N/A
22-42	22-42	0.80 cfs	N/A	40.0	1,006.9		N/A	N/A	N/A	N/A
22-616	22-616	8.00 cfs	N/A	400.0	1,006.9		N/A	N/A	N/A	N/A
22-160	22-160	3.20 cfs	N/A	160.0	1,006.9		N/A	N/A	N/A	N/A
22-545	22-545	1.80 cfs	N/A	90.0	1,006.9		N/A	N/A	N/A	N/A
22-13148	22-13148	2.90 cfs	N/A	153.6	1,006.9		N/A	N/A	N/A	N/A
22-13144	22-13144	3.60 cfs	N/A	153.6	1,006.9		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		20.93 cfs		842.5	1006.9		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 21ST day of November, 2007

Chief, Water Allocation Bureau

WATER RIGHT NO. 22-42
As Modified by Transfer No. 74019

In accordance with the approval of Transfer No. 74019, Water Right No. 22-42 is now described as follows.

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

Priority Date: January 22, 1916

Source: SOUTH LEIGH CREEK

Tributary: TETON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15	10/31	0.80 CFS
			0.80 CFS

LOCATION OF POINT(S) OF DIVERSION:

SOUTH LEIGH CREEK L1 (NENWNE) Sec. 32 Twp 06N Rge 46E TETON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 45E 25													14.0	27.0	39.0	37.0	117.0
06N 45E 36	39.0		21.0	25.0			7.6	21.0	40.0					39.0			192.6
06N 46E 30									22.0	24.0	32.0	37.0	34.0	26.0	39.0	39.0	253.0
										L3	L4						
06N 46E 31	40.0	40.0	38.0	22.0	40.0	38.0	26.0	35.0									279.0
						L1	L2										
06N 46E 32		14.0	28.0		32.0	38.0	14.0	15.0					25.0	1.3			165.3
		L1	L2										L3	L4			

Total Acres: 1006.9

CONDITIONS OF APPROVAL

1. Water is delivered through Killpack Pipeline.
2. 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.
3. 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).

WATER RIGHT NO. 22-42
As Modified by Transfer No. 74019

4. 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. This right is limited to the irrigation of 40 acres within the place of use described above in a single irrigation season.
6. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
7. 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.
8. 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.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.
11. 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. Rights 22-42, 22-160, 22-545, 22-616 and 22-13160 when combined shall not exceed the irrigation of 688.9 acres.
13. 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.
14. 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 and 22-517B when combined shall not exceed a total diversion rate of 32.31 cfs and the irrigation of 1006.9 acres.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 21st day of November, 2007



Chief, Water Allocation Bureau

WATER RIGHT NO. 22-160
As Modified by Transfer No. 74019

In accordance with the approval of Transfer No. 74019, Water Right No. 22-160 is now described as follows.

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

Priority Date: June 01, 1891

Source: SOUTH LEIGH CREEK

Tributary: TETON RIVER

BENEFICIAL USE

IRRIGATION

From

04/15 to 10/31

To

Diversion Rate

3.20 CFS

3.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

SOUTH LEIGH CREEK L1 (NENWNE) Sec. 32 Twp 06N Rge 46E TETON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 45E 25													14.0	27.0	39.0	37.0	117.0
06N 45E 36	39.0		21.0	25.0			7.6	21.0	40.0					39.0			192.6
06N 46E 30									22.0	24.0	32.0	37.0	34.0	26.0	39.0	39.0	253.0
										L 3	L 4						
06N 46E 31	40.0	40.0	38.0	22.0	40.0	38.0	26.0	35.0									279.0
						L 1	L 2										
06N 46E 32		14.0	28.0		32.0	36.0	14.0	15.0					25.0	1.3			165.3
		L 1	L 2										L 3	L 4			

Total Acres: 1006.9

CONDITIONS OF APPROVAL

1. Water is delivered through Killpack Pipeline.
2. 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.
3. 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).

WATER RIGHT NO. 22-42
As Modified by Transfer No. 74019

4. 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. This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.
6. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
7. 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.
8. 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.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.
11. 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. Rights 22-42, 22-160, 22-545, 22-616 and 22-13160 when combined shall not exceed the irrigation of 688.9 acres.
13. 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.
14. 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 and 22-517B when combined shall not exceed a total diversion rate of 32.31 cfs and the irrigation of 1006.9 acres.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 21st day of November, 20 07



Chief, Water Allocation Bureau

WATER RIGHT NO. 22-545
As Modified by Transfer No. 74019

In accordance with the approval of Transfer No. 74019, Water Right No. 22-545 is now described as follows.

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

Priority Date: June 01, 1896

Source: SOUTH LEIGH CREEK **Tributary:** TETON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15	to 10/31	1.80 CFS
			1.80 CFS

LOCATION OF POINT(S) OF DIVERSION:
 SOUTH LEIGH CREEK L1 (NENWNE) Sec. 32 Twp 06N Rge 46E TETON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 45E 25													14.0	27.0	39.0	37.0	117.0
06N 45E 36	39.0		21.0	25.0			7.6	21.0	40.0					39.0			192.6
06N 46E 30									22.0	24.0	32.0	37.0	34.0	26.0	39.0	39.0	253.0
										L 3	L 4						
06N 46E 31	40.0	40.0	38.0	22.0	40.0	38.0	26.0	35.0									279.0
						L 1	L 2										
06N 46E 32		14.0	28.0		32.0	38.0	14.0	15.0					25.0	1.3			165.3
		L 1	L 2										L 3	L 4			

Total Acres: 1006.9

CONDITIONS OF APPROVAL

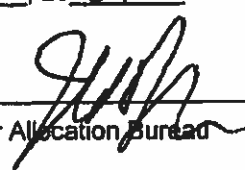
1. Water is delivered through Killpack Pipeline.
2. The quantity of water diverted under this water right shall be from the portion awarded to IDAHO and deducted there from as set forth in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941).
3. The point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 6 NESENE (L2), 6PM. The point of diversion shown above is where the conveyance system enters Idaho.

WATER RIGHT NO. 22-42
As Modified by Transfer No. 74019

4. 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. This right is limited to the irrigation of 90 acres within the place of use described above in a single irrigation season.
6. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
7. 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.
8. 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.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.
11. 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. Rights 22-42, 22-160, 22-545, 22-616 and 22-13160 when combined shall not exceed the irrigation of 688.9 acres.
13. 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.
14. 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 and 22-517B when combined shall not exceed a total diversion rate of 32.31 cfs and the irrigation of 1006.9 acres.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 21ST day of November, 2007



Chief, Water Allocation Bureau

WATER RIGHT NO. 22-616
As Modified by Transfer No. 74019

In accordance with the approval of Transfer No. 74019, Water Right No. 22-616 is now described as follows.

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

Priority Date: January 22, 1916

Source: SOUTH LEIGH CREEK

Tributary: TETON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to	10/31	8.00 CFS
			8.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

SOUTH LEIGH CREEK L1 (NENWNE) Sec. 32 Twp 06N Rge 46E TETON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 45E 25													14.0	27.0	39.0	37.0	117.0
06N 45E 36	39.0		21.0	25.0			7.6	21.0	40.0					39.0			192.6
06N 46E 30									22.0	24.0	32.0	37.0	34.0	26.0	39.0	39.0	253.0
										L 3	L 4						
06N 46E 31	40.0	40.0	38.0	22.0	40.0	38.0	26.0	35.0									279.0
						L 1	L 2										
06N 46E 32		14.0	28.0		32.0	36.0	14.0	15.0						25.0	1.3		165.3
		L 1	L 2											L 3	L 4		

Total Acres: 1006.9

CONDITIONS OF APPROVAL

1. 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.
2. 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.
3. 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).

WATER RIGHT NO. 22-42
As Modified by Transfer No. 74019

4. Water is delivered through Killpack Pipeline.
5. This right is limited to the irrigation of 400 acres within the place of use described above in a single irrigation season.
6. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
7. 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.
8. 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.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.
11. 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. Rights 22-42, 22-160, 22-545, 22-616 and 22-13160 when combined shall not exceed the irrigation of 688.9 acres.
13. 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.
14. 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 and 22-517B when combined shall not exceed a total diversion rate of 32.31 cfs and the irrigation of 1006.9 acres.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 21st day of November, 2007



Chief, Water Allocation Bureau

WATER RIGHT NO. 22-13160
As Modified by Transfer No. 74019

In accordance with the approval of Transfer No. 74019, Water Right No. 22-13160 is now described as follows.

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

Priority Date: January 18, 1905

Source: SOUTH LEIGH CREEK

Tributary: TETON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15	to 10/31	0.63 CFS
			0.63 CFS

LOCATION OF POINT(S) OF DIVERSION:

SOUTH LEIGH CREEK L1 (NENWNE) Sec. 32 Twp 06N Rge 46E TETON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 45E 25									14.0	27.0	39.0	37.0					117.0
06N 45E 36	39.0		21.0	25.0			7.6	21.0	40.0				39.0				192.6
06N 46E 30									22.0	24.0	32.0	37.0	34.0	26.0	39.0	39.0	253.0
										L 3	L 4						
06N 46E 31	40.0	40.0	38.0	22.0	40.0	38.0	28.0	35.0									279.0
						L 1	L 2										
06N 46E 32		14.0	28.0		32.0	36.0	14.0	15.0					25.0	1.3			165.3
		L 1	L 2										L 3	L 4			

Total Acres: 1006.9

CONDITIONS OF APPROVAL

1. This right is a split from former right 22-208.
2. Water is delivered through Killpack Pipeline.
3. 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.
4. 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.

WATER RIGHT NO. 22-42
As Modified by Transfer No. 74019

5. 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).
6. This right is limited to the irrigation of 40 acres within the place of use described above in a single irrigation season.
7. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
8. 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.
9. 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.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.
12. 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).
13. Rights 22-42, 22-160, 22-545, 22-616 and 22-13160 when combined shall not exceed the irrigation of 688.9 acres.
14. 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.
15. 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 and 22-517B when combined shall not exceed a total diversion rate of 32.31 cfs and the irrigation of 1006.9 acres.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 21st day of November, 2007



Chief, Water Allocation Bureau

WATER RIGHT NO. 22-13144
As Modified by Transfer No. 74019

In accordance with the approval of Transfer No. 74019, Water Right No. 22-13144 is now described as follows.

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

Priority Date: January 22, 1916

Source: SOUTH LEIGH CREEK **Tributary:** TETON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to	10/31	3.60 CFS
			3.60 CFS

LOCATION OF POINT(S) OF DIVERSION:

SOUTH LEIGH CREEK	L2 (SWNW)	Sec. 31 Twp 06N Rge 46E TETON County
SOUTH LEIGH CREEK	L2 (SWNW)	Sec. 31 Twp 06N Rge 46E TETON County
SOUTH LEIGH CREEK	NWNWSW	Sec. 32 Twp 06N Rge 46E TETON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 45E 25													14.0	27.0	39.0	37.0	117.0
06N 45E 36	39.0		21.0	25.0			7.6	21.0	40.0					39.0			192.6
06N 46E 30									22.0	24.0	32.0	37.0	34.0	26.0	39.0	39.0	253.0
										L3	L4						
06N 46E 31	40.0	40.0	38.0	22.0	40.0	38.0	26.0	35.0									279.0
						L1	L2										
06N 46E 32		14.0	28.0		32.0	36.0	14.0	15.0						25.0	1.3		165.3
		L1	L2											L3	L4		

Total Acres: 1006.9

CONDITIONS OF APPROVAL

1. Water is delivered through Desert Ditch, South Beard Ditch and or North Beard Ditch.
2. This right is a split from former right 22-615A.
3. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.

WATER RIGHT NO. 22-42
As Modified by Transfer No. 74019

4. 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.
5. 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.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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.
8. 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).
9. Rights 22-13144 and 22-13148 when combined shall not exceed the irrigation of 153.6 acres.
10. 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 and 22-517B when combined shall not exceed a total diversion rate of 32.31 cfs and the irrigation of 1006.9 acres.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 21st day of November, 2007



Chief, Water Allocation Bureau

WATER RIGHT NO. 22-13148
As Modified by Transfer No. 74019

In accordance with the approval of Transfer No. 74019, Water Right No. 22-13148 is now described as follows.

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

Priority Date: January 18, 1905

Source: SOUTH LEIGH CREEK

Tributary: TETON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15	10/31	2.90 CFS
			2.90 CFS

LOCATION OF POINT(S) OF DIVERSION:

SOUTH LEIGH CREEK L2 (SWNW) Sec. 31 Twp 06N Rge 46E TETON County

SOUTH LEIGH CREEK L2 (SWNW) Sec. 31 Twp 06N Rge 46E TETON County

SOUTH LEIGH CREEK NWNWSW Sec. 32 Twp 06N Rge 46E TETON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 45E 25													14.0	27.0	39.0	37.0	117.0
06N 45E 36	39.0		21.0	25.0			7.6	21.0	40.0					39.0			192.6
06N 46E 30									22.0	24.0	32.0	37.0	34.0	26.0	39.0	39.0	253.0
										L3	L4						
06N 46E 31	40.0	40.0	38.0	22.0	40.0	38.0	26.0	35.0									279.0
						L1	L2										
06N 46E 32		14.0	28.0		32.0	36.0	14.0	15.0					25.0	1.3			165.3
		L1	L2										L3	L4			

Total Acres: 1006.9

CONDITIONS OF APPROVAL

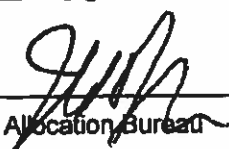
1. Water is delivered through Desert Ditch, South Beard Ditch and or North Beard Ditch.
2. This right is a split from former right 22-208A.
3. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.

WATER RIGHT NO. 22-42
As Modified by Transfer No. 74019

4. 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.
5. 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.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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.
8. 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).
9. Rights 22-13144 and 22-13148 when combined shall not exceed the irrigation of 153.6 acres.
10. 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 and 22-517B when combined shall not exceed a total diversion rate of 32.31 cfs and the irrigation of 1006.9 acres.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 21ST day of November, 2007



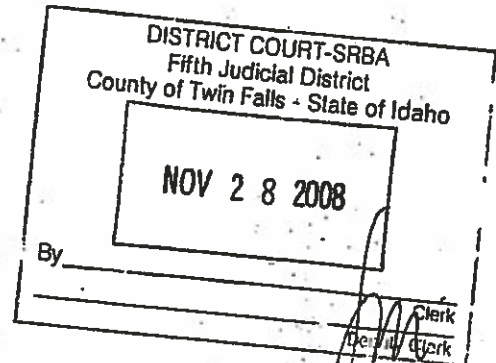
Chief, Water Allocation Bureau

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
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 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:

0.63 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).

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. 22-112, 22-487C, 22-13016, 22-42, 22-160, 22-545, 22-616, 22-13160, 22-13144, 22-13148, 22-1308, 22-481A, 22-482A, 22-483A, 22-2029D, 22-130D, 22-136C, 22-515B, 22-516B, and 22-517B.

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).

PRIORITY DATE:

01/18/1905

POINT OF DIVERSION:

T06N R45E S32 LOT 1 (NENWNE) 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:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-15 TO 10-31	0.63 CFS

PLACE OF USE:

PLACE OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation			
T06N R45E S25	NESE 14.0	NWSE 27.0	
	SWSR 39.0	SESE 37.0	
S36	NENE 39.0	SWNE 21.0	
	SENE 25.0	SWNW 7.6	
	SENN 21.0	NBSW 40.0	
	NWSE 39.0		
R46E S30	NRSE 22.0	LOT 3 (NWSW) 24.0	
LOT 4 (SWSW) 32.0	NESE 34.0	SESW 37.0	
	SWSE 39.0	NWSE 26.0	
	SESE 39.0	SESE 39.0	
S31	NENE 40.0	NWNE 40.0	
	SWNE 38.0	SENE 22.0	
	SENN 40.0	(NWNW) 38.0	
LOT 2 (SWNW) 26.0	SENN 35.0		
S32 LOT 1 (NWNW) 14.0	LOT 2 (SWNE) 28.0		
	NENN 32.0	NWNW 36.0	
	SWNW 14.0	SENN 15.0	
LOT 3 (NWSE) 25.0	LOT 4 (SWSR) 1.3		

PLACE OF USE (continued)

1006.9 Acres Total

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. 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, 22-1308, 22-481A, 22-482A, 22-483A, 22-2029D, 22-130D, 22-136C, 22-515B, 22-516B, and 22-517B.

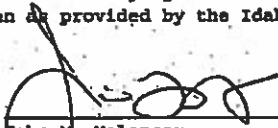
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. 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 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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

DEC 01 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

NOV 28 2008

By

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Clerk

Deputy Clerk

In Re SRBA

Case No. 39576

) Water Rights: See Attached Exhibit A
) (Boyd Charles Smith Trust)

) ORDER OF PARTIAL DECREES

On December 22, 2006, the Idaho Department of Water Resources filed its *Director's Report for Basin 22, Part II, Reporting Area 17, for Irrigation and Other Water Rights*, which included recommendations for the above named water rights. No objections were filed and the time period for filing objections has expired.

On December 3, 2007, the Idaho Department of Water Resources filed a *Notice of Completed Administrative Proceeding and Amended Director's Report* notifying the Court of a transfer in each of the above named water rights. No objections were filed to the *Amended Director's Reports* and the time period for filing objections has expired.

Therefore, IT IS ORDERED that the above-captioned water rights be decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED

November 28, 2008

JOHN M. MELANSON

Presiding Judge

Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

80568

EXHIBIT A (SMITH TRUST)

Subcase Nos:

22-00042
22-00160
22-00545
22-00616
22-13144
22-13148
22-13160

(Subcase list: SMITHTRUST)
5/28/08

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on November 28, 2008, with sufficient first-class postage to the following:

THE BOYD CHARLES SMITH & JILL
JOHNSON SMITH TRUST
C/O HOLDEN KIDWELL HAHN CRAPO
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 650-858-4915

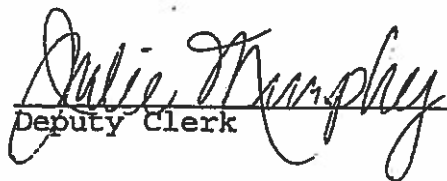
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ORDER

Page 1 11/28/08

FILE COPY FOR 00670

Deputy Clerk



80568