

State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 22-07609

**Priority:** October 05, 1988

Maximum Diversion Rate: 2.00 CFS  
Maximum Diversion Volume: 350.0 AF

It is hereby certified that THE BOYD CHARLES SMITH & JILL JOHNSON SMITH TRUST  
C/O HOLDEN KIDWELL HAHN & CRAPO  
PO BOX 50130  
IDAHO FALLS ID 83405 has complied with the terms and conditions of  
the permit, issued pursuant to Application for Permit dated October 05, 1988; and has submitted Proof of  
Beneficial Use on April 15, 1991; and a water right has been established as follows:

**SOURCE**

GROUND WATER

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL<br/>DIVERSION VOLUME</u> |
|-----------------------|----------------------|-----------------------|------------------------------------|
| IRRIGATION            | 04/15 to 10/31       | 2.00 CFS              | 350.0 AF                           |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  Sec. 25 Twp 06N Rge 45E, B.M. TETON County

**PLACE OF USE:** IRRIGATION

| <u>Twp Rge Sec</u> | <u>NE</u> |           |           |           | <u>NW</u> |           |           |           | <u>SW</u> |           |           |           | <u>SE</u> |           |           |           |               |
|--------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|---------------|
|                    | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>Totals</u> |
| 06N 45E 25         |           |           |           |           |           |           |           |           |           |           |           |           | 11.0      | 15.0      | 39.0      | 35.0      | 100.0         |

Total Acres: 100

**CONDITIONS OF APPROVAL**

1. 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, 22-7609 when combined shall not exceed a total diversion rate of 32.31 cfs and the irrigation of 1006.9 acres.
2. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
3. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
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 place of use.

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5. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
6. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 20<sup>th</sup> day of December, 2011.

  
for GARY SPACKMAN  
Interim Director