

225
Bear River

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

RECEIVED

JAN 21 2003

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

Department of Water Resources

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
13-7193		NO			
13-4274		yes			
13-969B	13-7631 (Smith)	yes			
	13-7632 (Boyack)				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

DEAN C. SMITH (WENDELL)
"SAME"

4. New Owner/Claimant(s)

Bob or Olivia Boyack
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

3168 E Hwy 36

City, State and ZIP Code

PRESTON IDAHO 83263

New Telephone Number

(208) 852-0448

5. Date you acquired the property

27 MARCH 1996

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JUN 02 2003

See file 13-7193 for support data

223
Bear River

STATE OF IDAHO
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13-7193		NO			
13-4274		yes			
13-9698	13-7631-(Smith)	yes			
	~~13-7631-(Smith)~~				

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3. Name and Address of Former Owner/Claimant(s) DEAN C. SMITH (WENDELL)
"SAME"
4. New Owner/Claimant(s) Bob or Olivia BOYACK
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 3168 E Hwy 36
- City, State and ZIP Code PRESTON IDAHO 83263
- New Telephone Number (208) 852-0448
5. Date you acquired the property 27 MARCH 1996

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JUN 02 2003

~~File 13-7193~~

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>13-4274</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>150 CFS 90ac</u>	<u>total</u>
Stock		
Domestic	<u>owner 5 acres of sec 20 sec 6</u>	
Other	<u>plus stockwater</u>	
Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>13-969B</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>owns</u>	<u>13 acres of this water right</u>
Stock		
Domestic		
Other		
Total		

7.

Signature of New Owner(s) or Claimant(s) X [Signature]
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by	Date	Fee
Received by <u>Regan</u>	Date <u>1/14/2003</u>	Receipt No. <u>E028434</u>
Processed by <u>AJ</u>	Date	WR

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JUN 12 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 13-7632

WATER RIGHT NUMBER: 13-7632

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ROBERT SMITH 64 MERRY LN BURBANK, WA 99323 (509) 545-8364
Original Owner	MELVIN GREEN
	, ZZ
Original Owner	A C BOSEN
	, ID
Original Owner	HYRUM J SMITH
	, ID
Current Owner	BOB BOYACK 3168 E HWY 36 PRESTON, ID 83263 (208) 852-0448
Current Owner	OLIVIA BOYACK 3168 E HWY 36 PRESTON, ID 83263 (208) 852-0448

Priority Date: 05/01/1882

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BEAR RIVER	GREAT SALT LAKE

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/20 to 09/30	0.090 CFS	
	<u>Total Diversion:</u>	0.090 CFS	

Location of Point(s) of Diversion

BEAR RIVER	SW1/4SW1/4	Sec. 21, Twp 14S, Rge 40E, B.M.
FRANKLIN County		

Place of UseIRRIGATION Within FRANKLIN County

T14S R40E S20 SESE 13.0

Total Acres: 13

Conditions of Approval:

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JUN 02 2003

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 13-7632

Remarks:

1. General TRANS #202.
 P/U, AC IRR=300.

Comments:

1. scurtis 3/28/2003 Ownership Change
Comment: Rights 13-7631 and 13-7632 are the result of a split of Right 13-969B by ownership change.

Dates and Other Information:

Decreed Date: 7/14/1920

Water District Number: 11

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This is a duplicate copy
made of the original because
of the poor quality of orig. from wear & tear.
11-2
~~numbered copy~~

~~Original can be found in this same file.~~

In the District Court of the United States for the
District of Idaho, Eastern Division.

UTAH POWER & LIGHT COMPANY,

Plaintiff

vs.

THE LAST CHANCE CANAL COMPANY,
Limited, et. al.

Defendants.

In Equity

No. 203.

FINAL DECREE

Before HON. F. S. DIETRICH,
District Judge.

Filed July 14, 1920.

W. D. McREYNOLDS,
Clerk.

By PEARL ZANGER,
Deputy.

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MAY 14 1996

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JUN 9 2002

DATE OF
PRIORITY

AMOUNT IN
SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE

~~11-0274~~ 13-0968

17. Utah Power & Light Company:
Oneida Power Plant:
1911—Jan. 18 1500 c.f.s.

~~11-0275~~ 13-0969

18. A. C. Bosen, Hyrum J. Smith,
Robert L. Smith and
Melvin Green:
1882—May 1 5.5 c.f.s.

13 South, Range 40 East, B.B.M., and there used for the generation of electric power or energy, and returned to the channel of Bear River.

Said water to be diverted by the dam, through the pipes, and used at the said Oneida Plant, as last above described.

Said water to be diverted from Bear River through what is known as the Smith-Vanoy Ditch with point of diversion from Bear River in the Southeast quarter of Section 16, Township 14 South, Range 40 East, B.B.M., said water to be measured at point where Siphon No. 1 of Twin Lakes Canal Company crosses Bear River, and used for irrigating 300 acres of land to be divided as follows:

.3 of this amount to Hyrum J. Smith for the irrigation of lands in the North half of the Southwest quarter of Section 2, the Southwest quarter of the Southeast quarter of Section 20, and 23 acres in the Northwest quarter of the Southeast quarter of Section 29, Township 14 South, Range 40 East, B.B.M.

.5 to A. C. Bosen, for the irrigation of 107 acres in the Northeast quarter of the Northeast quarter and the Southeast quarter of the Northeast quarter and North half of the Southeast quarter, Section 21, and a few acres in the Southwest quarter of the Northeast quarter and the Northwest quarter of the Southwest quarter of Section 22, Township 14 South, Range 40 East, B.B.M.

.2 thereof to Robert L. Smith and Melvin Green jointly, to irrigate 31 acres of land in the Southeast quarter of Section 20, Township 14 South, Range 40 East, B.B.M.

19. Nelson Ditch Company:
~~11-0276~~ 1880—May 1 6.5 c.f.s.

13-0970

Said water to be diverted from Bear River at a point about 25 rods South of the Northeast corner of Section 20, Township 14 South, Range 40 East, B.B.M., for the irrigation of approximately 400 acres of

21

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MAY 14 1996
JUN 9 2 2010

All the foregoing reservations of jurisdiction shall extend after the term at which this decree is entered, and during any subsequent term prior to January 1, 1924, at which time, or at such earlier time as the court may determine these matters, this decree shall be closed. In all other respects this decree shall be final.

The court further retains jurisdiction, however, at all times, and from time to time, to make all reasonable rules touching the manner of diverting, measuring and distributing the waters, and the devices to be installed and used for such purposes where it may be impracticable to fully comply with the terms of this decree, and to direct that the parties keep accurate and detailed records of the amounts of water diverted, and to require reports to be filed from time to time of the amount so diverted, and generally to make such orders as may be found reasonably necessary to give effect to the decree, and to appoint commissioners or water masters to make distribution in accordance with its terms, and to punish the parties hereto, their officers, agents and employes, and their grantees and successors in interest, for any violation of the provisions thereof.

Done in open court this 14th day of July, 1920.

FRANK S. DIETRICH,
Judge.

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MAY 14 1986

117

MICROFILMED

JUN 8 2 2803



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 28, 2003

BOB BOYACK
OLIVIA BOYACK
3168 E HWY 36
PRESTON ID 83263

RE: Change of Ownership for Water Rights 13-7193, 13-7632, 13-7634

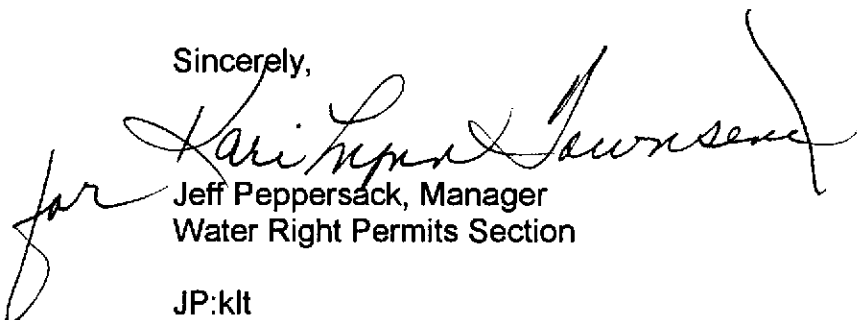
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

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JUN 9 2 2003