

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE BEAR RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 79576

Ident. Number: 11-436
Date Received: 6/20/2023
Receipt No: 7000307
Claim Fee: \$85.00
Received By: MB

RECEIVED

JUN 20 2023

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

IDWR/Preston

1. Name of Claimant(s)

MISTY SMITH MEMORIAL TRUST
361 S 3RD W
SODA SPRINGS ID 83276

Phone: (208) 221-4109

2. Date of Priority: 5/7/1898

3. Source:
BIG SPRING CREEK

Trib. to:
SODA CREEK

4. Point of Diversion:

Township	Range	Section	¼ of ¼ of ¼	Lot	County	Type
09S	42E	18	NW NW	1	CARIBOU	

5. Description of diverting works:

Water is pumped from Big Spring Creek into the ditch. The water goes from the ditch to a holding pond and then is pumped into the sprinkler system. We have 34 acres that we are able to irrigate with this water right and with water right 11-438.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A
IRRIGATION	4/20	9/30	0.8		

7. Total Quantity Appropriated is:

0.8 C.F.S. and/or A.F.A.

8. Non-irrigation uses:

9. Place of use:

IRRIGATION within CARIBOU County

Township	Range	Section	¼	of	¼	Lot	Acres
09S	41E	13	NE		NE		19
09S	41E	13	SE		NE		15
09S	42E	18	NW		NW	1	0.1

Total Acres = 34.1

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

If your answer is no, describe in remarks below the authority you have to claim this water right.

a lease agreement with
We have an easement on the adjoining property with Pacificorp.

11. Other Water Rights Used:

11-438

12. Remarks:

Priority Date Explanation:

This is the date given with the decree.

P/D, MOORE DITCH.

P/U, AC IRR=34.

13. Basis of Claim: Decreed

14. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the BEAR River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm under penalty of perjury that I am, and I have signed the foregoing document in the space below as the

Carla Hale Trustee

Agents Title (please print)

of Misty Smith Memorial Trust

Name of Organization (please print)

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent

Carla Hale

Date

6/20/2023

Printed Name of Authorized Agent

Carla Hale

Claim 11-436 & 11-438



0 0.0425 0.085 0.17 Miles

Legend

-  Claim POD
-  Claim POU

159858
159790

WARRANTY DEED

For Value Received Joan M. Dunn, a widow, the grantor of Soda Springs, Idaho, does hereby grant, bargain, sell and convey unto Vance Smith and Misty Smith, husband and wife, of 750 Big Springs Road, Soda Springs, Idaho 83276, the grantees, the following described premises, to-wit:

Caribou County, Idaho:

Township 9 South, Range 41 East of the Boise Meridian:

Section 13: SE~~1/4~~NE~~1/4~~NE~~1/4~~, NE~~1/4~~SE~~1/4~~NE~~1/4~~. ALSO a tract of land in the

N~~1/4~~NE~~1/4~~NE~~1/4~~, as followings. Beginning at the Southeast corner of the N~~1/4~~NE~~1/4~~NE~~1/4~~ and running

thence North 0°03' East along the East boundary of said

N~~1/4~~NE~~1/4~~NE~~1/4~~ 221.5 feet;

thence North 32°03' West 372 feet, more or less, to the intersection with the South boundary of Block 7,

City of Soda Springs;

thence West along the South boundary of Block 7, 98 feet;

thence South 31°26' West 226.5 feet;

thence South 37°22' West 247.6 feet;

thence North 84°01' West 209 feet;

thence South 42°46' West 230 feet, more or less, to intersection with South boundary of N~~1/4~~NE~~1/4~~NE~~1/4~~ of

Section 13;

thence South 89°57' East along the South boundary of the N~~1/4~~NE~~1/4~~NE~~1/4~~ 928 feet, more or less,

to the point of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantees, that she is the owner in fee simple of said premises; that said premises are free from all encumbrances and that she will warrant and defend the same from all lawful claims whatsoever. *Together with Decree No. 131 Hans Neilson priority date of 5/7/1898, 8 cfs and No. 133 Hans Neilson priority date of 6/1/1880 of .4 cfs of Big Springs Creek. This Deed is re-recorded to spell out the water rights. *AMT*

Joan M. Dunn
JOAN M. DUNN

STATE OF IDAHO)

: ss.

County of Caribou)

On this 31st day of August, 1999, before me the undersigned, a notary public in and for said County and State, personally appeared Joan M. Dunn known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same

STATE OF IDAHO

County of Caribou

Date: Aug 31, 1999

Time: 4:30 PM

Official Records

Recorder: Edie Izatt

Deputy: Denise Horsley

Fee: 3.00 CT

NOTARY PUBLIC FOR THE STATE OF IDAHO

Residing at: Soda Springs, Idaho

My commission expires: 8/15/2003

160733

STATE OF IDAHO

County of Caribou

Date: Aug 28, 2000

Time: 2:30 PM

Official Records

Recorder: Edie Izatt

Deputy: Denise Horsley

Fee: 3.00 CT

Instrument # 202512

CARIBOU COUNTY
4-2-2019 09:58:54 AM No. of Pages: 3
Recorded for : CARLA HALE
DENISE HORSLEY Fee: 15.00
Ex-Officio Recorder Deputy
Index to: QUITCLAIM DEED

Bill Storr

AFTER RECORDING MAIL TO:

Space Above This Line for Recorder's Use Only

QUITCLAIM DEED

Date: March 31, 2019

For Value Received

Misty Smith and Vance B. Smith, wife and husband

do(es) hereby convey, release, remise, and forever quit claim unto ,

Misty Smith, a single woman

whose address is ,

711 S. Big Springs Rd, Soda Springs, ID 83276

herein after called the Grantee, the following described premises situated in
County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

together with its appurtenances.

Exhibit A

Township 9 South, Range 41 East of the Boise Meridian, Caribou County, Idaho:

Section 13: SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$. ALSO, a tract of land in the N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ as follows:

Beginning at the Southeast corner of the N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ and running

Thence North 0°03' East along the East boundary of said N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ 221.5 feet;

Thence North 32°03' West 372 feet, more or less, to the intersection with the South boundary of Block 7, City of Soda Springs;

Thence West along the South boundary of Block 7, 98 feet;

Thence South 31°26' West 226.5 feet;

Thence South 37°22' West 247.6 feet;

Thence North 84°01' West 209 feet;

Thence South 42°46' West 230 feet, more or less, to the intersection with the South boundary of N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13;

Thence South 89°57' East along the South boundary of the N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ 928 feet, more or less, to the Point of Beginning.

Vance B. Smith
Vance B. Smith
Misty Smith
Misty Smith

STATE OF Idaho)
COUNTY OF Caribou) ss.

On this 31st day of March 2019, before me, a Notary Public in and for said State, personally appeared Vance B. Smith & Misty Smith, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Carla Hale
Notary Public of Idaho
Residing at: Idaho Springs Idaho
Commission Expires: 12/12/2020