

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 SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A37-00368B**

Date Received: 2/15/1990

Receipt No: X777777

Received By: O/C HLB

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: SMR DEVELOPMENT LC
Address: 7878 USTICK ROAD
BOISE ID

208-376-6346

83704

2. Date of Priority: JUN 15, 1884

3. Source: THREEMILE CREEK, WEST FORK Trib. to: THREEMILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	13E	14	SE	SE	SW		CAMAS

5. Description of diverting works:
DAMS AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.500		

7. Total Quantity Appropriated is:
0.500 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 62.4 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	13E	23	NE	NW		IRR	5.0
			SE	NW		IRR	20.0

Section Acres 25.0

10. Place of Use: Continued

Total Acres 25.0

11. Place of use in counties: CAMAS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
 A37-00409

14. Remarks:

 OWNERSHIP CHANGE PER FORM 42-1409(7). CLF 6-23-95

 OWNERSHIP CHANGE FROM A37-00368 RESULTED IN A SPLIT. THE "A"
 PORTION BELONGS TO VM DIAMOND. THE "B" PORTION BELONGS TO SMR
 DEVELOPMENT. WARRANTY DEED AND MAP PROVIDED FOR PROOF.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

S.C. FROST, ET AL
Decree Plaintiff

ALTURAS WATER CO., ET AL
vs Decree Defendant



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

SEP 05 1996

DATE OF CLOSING: 5/3/94

Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: Township 1 N Range 13 E
Section 23, SE 1/4 of NE 1/4 of NW 1/4, Govt. Lot _____, BM.

Lot _____, Block _____, Subdivision/Townsite _____

If you have additional legal descriptions, please attach separate sheet. see attached Warranty Deed.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s)
Assigned by IDWR: Portions of A37-00409, A37-00368, A37-02076

☐ Name and Address of Former Owner/Claimant(s)(Seller): VM Diamond Ranch LLC
PO Box 190690 Boise, ID 83719

☐ New Owner/Claimant (Purchaser): SMR Development, L.C.

☐ New Mailing Address: 7878 Ustick Rd.
Boise ID 83704

☐ New Telephone Number: (208) 376-6346

☐ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

0.50 cfs of A37-00368 25 acres

0.35 cfs of A37-00409 50 acres

0.10 cfs of A37-02076 5 acres

☒ Attach proof of ownership, describe proof attached: Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s) William Hunter Date 7/25/96

Date _____

☐ Signature of Former Owner/Claimant(s): _____ Date _____

Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 4/1/97 By: HLB

Claim Numbers of Split, if any:

RECEIVED

SEP 10 1996

Department of Water Resources
Southern Region

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

WARRANTY DEED

RECEIVED

SEP 05 1996

Department of Water Resources

(WITH RESERVED COVENANT RESTRICTING USE)

FOR VALUABLE CONSIDERATION RECEIVED, VM DIAMOND RANCH, L.L.C., an Idaho limited liability company (hereinafter the "GRANTOR"), hereby grants, bargains, sells, conveys and confirms unto SMR Development, L.C., an Idaho limited liability company (hereinafter "GRANTEE"), its successors and assigns forever, a parcel of land situated in Township 1 North, Range 13 East, Boise Meridian, County of Camas, State of Idaho, more particularly described as follows:

Section 23 --

SE 1/4 NE 1/4 NW 1/4 excepting that portion lying West of the Existing Channel of the West Fork of Threemile Creek. Also excepting that portion lying East of the existing County Road which runs northerly and southerly.

E1/2 SE1/4 NW1/4, E1/2 NE1/4 SW1/4, N1/2 NE1/4 SE1/4 SW1/4 excepting that portion lying East of the existing County Road which runs northerly and southerly.

(hereinafter the "Property");

TOGETHER WITH all and singular the improvements, tenements, hereditaments, easements, covenants and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainders, rents, issues and profits thereof; and

SUBJECT TO the Exceptions to Title described on Exhibit "1" attached hereto, and by this reference made a part hereof and rights-of-way and easements visible on inspection of the Property, and the following covenant and servitude hereby reserved by GRANTOR:

COVENANT

For the benefit of the adjacent property owned by GRANTOR located in the County of Camas, State of Idaho

and more particularly described as that portion of the W1/2 of Section 23, Township 1 North, Range 13 East, Boise Meridian which is not the Property, and excepting that portion of said Section 23 lying East of the existing County Road which runs northerly and southerly (the "Adjacent Property"), and so long as the use of such Adjacent Property is restricted by an agricultural zoning designation thereon under the Camas County Zoning Ordinance, the use of the Property by GRANTEE, its successors and assigns, is restricted to the operation of a golf course thereon and otherwise for agricultural purposes, and no dwellings, structures or improvements (other than fences) shall be placed on the Property except as related to the operation of a golf course.

This Covenant is binding upon, and benefits, the GRANTOR, THE GRANTEE, and their respective successors and assigns to the Adjacent Property and the Property.

Subject to those exceptions to title to which this conveyance is expressly made subject and those made, suffered or done by the GRANTEE, the GRANTOR covenants to the GRANTEE, its successors and assigns, that the GRANTEE shall enjoy the quiet and peaceful possession of the Property, and GRANTOR warrants to the GRANTEE, its successors and assigns, that GRANTOR is the owner of the Property in fee simple and has the right and authority to convey the same to GRANTEE, and it will defend the same from all lawful claims arising by, through and under the GRANTOR whatsoever.

The current address of the GRANTEE is:

SMR Development, L.C.
4477 Emerald Street, Suite C-250,
Boise, Idaho 83706

IN WITNESS WHEREOF, this WARRANTY DEED has been duly executed by and on behalf of GRANTOR by all its members, who have been duly authorized to sign on behalf of GRANTOR by its members, the _____ day of _____, 1994.

GRANTOR
VM DIAMOND RANCH, L.L.C.

by Jerry Mobley
Member

by Virginia Vanderpool
Member

by V. L. Vanderpool Company, Inc.
Member

by Virginia Vanderpool
President

Attest:

Jerry Mobley
Secretary

STATE OF IDAHO)
) ss:
County of Ada)

On this 3rd day of May, 1994, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared VIRGINIA L. VANDERPOOL and JERRY MOBLEY, known or identified to me to Members of the limited liability company that executed this instrument or the persons who executed this instrument on behalf of said limited liability company, and acknowledged to me that such company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Kelly Coates
Notary Public for the State of Idaho
Residing at Boise Idaho
My Commission Expires on 11/10/1999

STATE OF IDAHO)
) ss:
County of Ada)

On this 3rd day of May, 1994, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Virginia Vanderpool and Jerry Mobley, known or identified to me to be the President and the Secretary, respectively, of the Corporation that executed this instrument or the persons who executed this instrument on behalf of said Corporation as a Member of the limited liability company that executed this instrument, and acknowledged to me that such Corporation executed the same as a Member of such limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Kelly Coates
Notary Public for the State of Idaho
Residing at Boise Idaho
My Commission Expires on 11/10, 1999

EXHIBIT "1" TO WARRANTY DEED

EXCEPTIONS TO TITLE

General taxes and assessments for the year 1994, which are a lien not yet due and payable.

Master Declaration of Easements, Covenants and Servitudes for Hidden Paradise Ranch of even date with this Warranty Deed, recorded the 11th day of March, 1994, as instrument number 68356, records of Camas County, Idaho.

Right of way for three ditches over and across the E1/2 SW1/4 of Section 14, Township 1 North, Range 13 East, Boise Meridian, ~~as set out in Decree recorded in Book 1 Order and Decrees, page 435 and Book 3 of Miscellaneous, page 74, records of Camas County, Idaho.~~

Road Easement dated July 14, 1987, executed by Darrell L. Burchard as Manager of Hidden Paradise Association, to Camas County, Idaho, for perpetual road easement and right-of-way over the SE1/4 of Section 23, Township 1 North, Range 13 East, Boise Meridian, recorded July 14, 1987 in Book 4 of Miscellaneous, page 726, as Recorder's Instrument Number 63275, records of Camas County, Idaho.

Right-of-way Easement dated July 16, 1984, executed by Hidden Paradise Ranch Property Owner's Association, Inc. to Prairie Power Cooperative, a cooperative corporation, recorded July 18, 1984 in Book 25 of Deeds, page 33, as Recorder's Instrument Number 60291, records of Camas County, Idaho.

68531

Recorded at the Request of

CAMAS ABSTRACTat 4:15 P.M.5-27, 19 94.in Book 29of DEEDS Page 119.

ROLLIE BENNETT

CAMAS COUNTY RECORDER

By [Signature]Fees \$ 15.00



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

APR 1, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SMR DEVELOPMENT L.C.
7878 USTICK ROAD
BOISE ID 83704

RE: SRBA CLAIM(S): A37-00409, A37-00368, A37-02076 (SPLIT)
VM DIAMOND RANCH

DEAR CLAIMANT(S):

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIM(S), WE HAVE CHANGED THE DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THESE COPIES ARE FOR YOUR RECORDS.** PLEASE REVIEW THESE RECORDS FOR ACCURACY.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CALL ME AT THIS OFFICE.

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/tlb
ENCLOSURES

CC: VM DIAMOND RANCH, PO BOX 190690, BOISE ID 83719

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 SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-00368
Date Received: 2/15/1990
Receipt No: S011216
Received By: S.C.C.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HIDDEN PARADISE RANCH OWNERS ASSN. 208-764-2506
Address: P.O. BOX 279
FAIRFIELD, ID 83327
2. Date of Priority: JUN 15, 1884
3. Source: THREEMILE CREEK, WEST FORK Trib. to: THREEMILE CREEK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	13E	14	SE	SE	SW		CAMAS
5. Description of diverting works:
DAMS AND DITCHES
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.200		
7. Total Quantity Appropriated is:
3.200 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 400.0 Acre Feet Per Annum.
9. Non-irrigation uses:
S/500 RANGE
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	13E	23	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0

A37-00368

Page 1

Date: 02/15/90

MICROFILMED
FEB 22 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	13E	23	SE NW		IRR	40.0
Section Acres						160.0
Total Acres						160.0

11. Place of use in counties: CAMAS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A37-00409

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

S.C. FROST, ET AL
Decree Plaintiff

vs

ALTURAS WATER CO., ET AL
Decree Defendant

16. 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 Snake 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 that I am Vice Pres. of Hidden Paradise Ranch that I have signed the foregoing document in the space below as Vice Pres. of Hidden Paradise Ranch and that the statements contained in the foregoing document are true and correct.

Donald L. Bushard
Signature of Authorized Agent
V.P. Hidden Paradise Ranch
Title and Organization
2-15-90
Date

State of Idaho)
County of T.F.) SS.

Subscribed and sworn (or affirmed) before me this 15 day Feb. 19 90
Tom White
Notary Public

Seal

Residing at T.F.
My Commission Expires 5/94