

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 22-13143
Date Received: 11/22/00
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JAMES WILLIAM BEARD AND LEONA BEARD TRUST Phone:

RT 1 BOX 1790
TETONIA ID USA 83452

2. Date of Priority: 01/22/1916

3. Source: SOUTH LEIGH CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
06N	46E	32	NW SE	TETON
06N	46E	32	SE NW	TETON

5. Description of diverting works:

2 HEADGATES/DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	4	

7. Total Quantity Appropriated is:
4 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

A2213143



10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
06N	45E	36	NE	SE		IRRIGATION	40
			NE	NW		IRRIGATION	40
			NW	NW		IRRIGATION	20
			SW	NW		IRRIGATION	20
			NW	SW		IRRIGATION	10
			NW	NE		IRRIGATION	40
						Section Acres	170
						Total Acres	170

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 30, 2000

JAMES WILLIAM BEARD AND LEONA BEARD TRUST

RT 1 BOX 1790

TETONIA ID 83452

**RE: CHANGE IN OWNERSHIP FOR A22-00615A, A22-00615C,
A22-00208A**

Dear Mr. and Mrs. Beard:

The request for Change in Ownership for a portion of the above referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

A22-00615A split into:

A22-13143: 4.0 CFS, 170 ACRES, BEARD

A22-13144: 3.4 CFS, 145 ACRES, SMITH

A22-00615C split into:

A22-13145: 0.15 CFS, 10 ACRES, BEARD

A22-13146: 0.15 CFS, 10 ACRES, SMITH

A22-00208A split into:

A22-13147: 3.4 CFS, 170 ACRES, BEARD

A22-13148: 2.9 CFS, 145 ACRES, SMITH

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Cheri Vandermeulen

Cheri Vandermeulen
Records Clerk

Enclosure(s)

RECEIVED

JUL 24 2000

Department of Water Resources
Eastern RegionNEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIPDATE OF CLOSING: 6/27/00LEGAL DESCRIPTION OF PROPERTY: See attached Warranty Deeds

☐ 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 Rights Number(s)
Assigned by IDWR: A22-00615C, A22-00615A, A22-00208A

☒ Name and Address of Former
Owner/Claimant(s)(Seller): James William Beard and Leona Beard, Trustees
Route 1, Box 1790
Tetonia, Idaho

☒ New Owner/Claimant
(Purchaser): Boyd C. Smith and Jill Johnson Smith, Trustees

☒ New Mailing Address: 301 Coleridge Avenue
Palo Alto, California 94301

☒ New Telephone Number: (650) 493-5411

☒ Does the change in ownership result in a splitting of the water right owned/claimed?
x yes no. If yes, then describe the portion of the
water right that is now owned/claimed by the new owner:
That portion of the above referred to water rights which are appurtenant to the
property described on the attached Warranty Deeds is being transferred to the new
owner

☒ Attach proof of ownership, describe proof attached: Copy of Warranty Deeds

(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.)

[x] Signature of New
Owner/Claimant(s)

Boyd C. Smith, Trustee

Date _____

Jill Johnson Smith, Trustee

Date _____

[x] Signature of Former
Owner/Claimant(s)

James W Beard trustee Date *6-20-00*
Leona Beard trustee

(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: By:

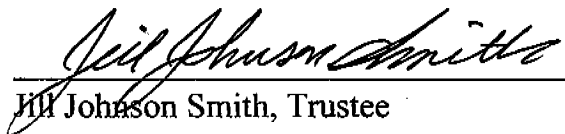
Claim Number of Split, if any:

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

C:\Program Files\Qualcomm\Eudora\Attach\beard0509.npo.wpd.jht

[x] Signature of New
Owner/Claimant(s)

 Date 6/20/00
Boyd C. Smith, Trustee

 Date 6/20/00
Jill Johnson Smith, Trustee

[x] Signature of Former
Owner/Claimant(s)

_____ 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: _____ By: _____

Claim Number of Split, if any:

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

First American Title Company

T-7778

138278

WARRANTY DEED

Instrument # 138278

DRIGGS TETON, IDAHO

2000-06-27

04:03:08 No. of Pages: 4

Recorded for: FIRST AMERICAN

NOLAN G. BOYLE

Fee: 12.00

Ex-Office Recorder Deputy

Index to: DEED, WARRANTY

N. Rigby

THIS INDENTURE is made this 20th day of June, 2000, by JAMES WILLIAM BEARD and LEONA BEARD, husband and wife, acting individually, and JAMES WILLIAM BEARD and LEONA BEARD, acting not individually but as Trustees of that certain Declaration of Trust of the Beard Family Trust dated November 22, 1988, the "Grantor", and BIL YARA FARMS, INC., an Idaho corporation, whose mailing address is _____, the "Grantee".

WITNESSETH:

That the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the Grantee's successors and assigns forever, all of the following described property in the County of Teton, State of Idaho, to-wit:

Township 6 North, Range 45 East, Boise Meridian, Teton
County, Idaho
Section 36: S $\frac{1}{2}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$

SUBJECT TO THE FOLLOWING:

1. Reservation in the State of Idaho Deed recorded December 18, 1958, in Book 77 at Page 533, records of Teton County, Idaho.
2. All existing easements or claims of easements, patent reservations, rights-of-way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and

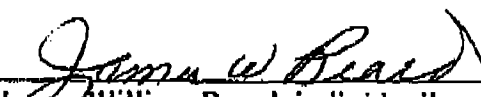
138278

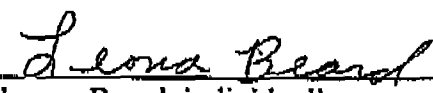
profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

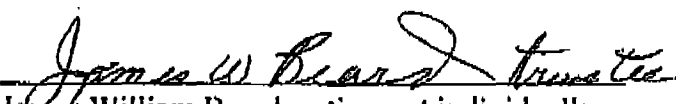
TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's successors and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the Grantee's successors and assigns, against the Grantor and the Grantor's heirs, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

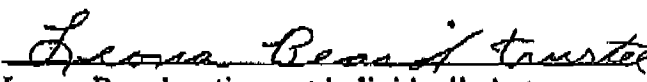
In construing this Warranty Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.


James William Beard, individually


Leona Beard, individually

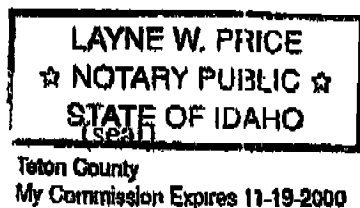

James William Beard, acting not individually
but as Trustee of that certain Declaration of
Trust dated November 22, 1988


Leona Beard, acting not individually but as
Trustee of that certain Declaration of Trust
dated November 22, 1988

STATE OF IDAHO)
)ss.
County of Teton)

On the 26th day of June, 2000, before me, the undersigned, a notary public in and for said State, personally appeared James William Beard, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he 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.

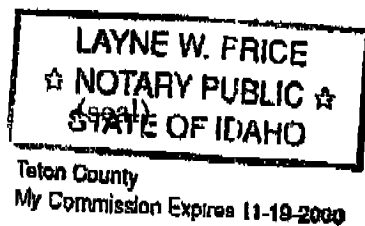


Notary Public for Idaho
Residing at Driggs, Idaho
My Commission Expires: 11-19-2000

STATE OF IDAHO)
County of Teton)ss.
)

On the 20th day of June, 2000, before me, the undersigned, a notary public in and for said State, personally appeared Leona Beard, 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.

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



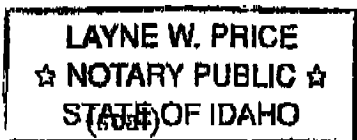
Notary Public for Idaho
Residing at Driggs, Idaho
My Commission Expires: 11-19-2000

138278

STATE OF IDAHO)
)ss.
County of Teton)

On the 20th day of June, 2000, before me, the undersigned, a notary public in and for said State, personally appeared James William Beard, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of that certain Declaration of Trust dated November 22, 1988, and acknowledged to me that he executed the same as such Trustee.

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



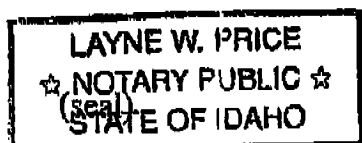
Teton County
My Commission Expires 11-19-2000

Layne W. Price
Notary Public for Idaho
Residing at Driggs, Idaho
My Commission Expires: 11-19-2000

STATE OF IDAHO)
)ss.
County of Teton)

On the 20th day of June, 2000, before me, the undersigned, a notary public in and for said State, personally appeared Leona Beard, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of that certain Declaration of Trust dated November 22, 1988, and acknowledged to me that she executed the same as such Trustee.

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



Teton County
My Commission Expires 11-19-2000

Layne W. Price
Notary Public for Idaho
Residing at Driggs, Idaho
My Commission Expires: 11-19-2000

T-7778

CORPORATION WARRANTY DEED

THIS INDENTURE is made this 20 day of June, 2000, by BILYARA FARMS, INC., an Idaho corporation, the "Grantor", and BOYD C. SMITH and JILL JOHNSON SMITH, as Trustees of the Boyd Charles Smith and Jill Johnson Smith Trust Agreement dated December 13, 1990, whose mailing address is 301 Coleridge, Palo Alto, California 94301, the "Grantee".

WITNESSETH, that the Grantor having been duly authorized by resolution of its Board of Directors, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to it in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee and to Grantee's successors and assigns forever, all the following described property in the County of Teton, State of Idaho, to-wit:

Township 6 North, Range 45 East, Boise Meridian, Teton
County, Idaho

Section 36: S $\frac{1}{2}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$

SUBJECT TO THE FOLLOWING:

1. Reservation in the State of Idaho Deed recorded December 18, 1958, in Book 77 at Page 533, records of Teton County, Idaho.
2. All existing easements or claims of easements, patent reservations, rights-of-way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, any reversions, any remainders, rents, issues and profits therefrom, and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

Instrument # 138279

DRIGGS TETON, IDAHO

2000-06-27 04:05:44 No. of Pages: 3

Recorded for : FIRST AMERICAN

NOLAN G. BOYLE

Fee: 9.00

Ex-Officio Recorder Deputy

Index to: DEED, CORPORATION WARRANTY

138279

D. Raghy

TO HAVE AND TO HOLD, the above described premises and appurtenances unto the Grantee and to the Grantee's successors and assigns forever. The Grantor shall warrant and defend the premises in the quiet and peaceable possession of the Grantee against the Grantor and the Grantor's successors, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has set its corporate name by its duly authorized officer.

BILYARA FARMS, INC.

By: 
Robert E. Nelson, President

STATE OF IDAHO)
)ss.
County of Teton)

On the ____ day of June, 2000, before me, the undersigned, a notary public in and for said State, personally appeared Robert E. Nelson, known or identified to me to be the President of Bilyara Farms, Inc., and the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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.

(seal)

Notary Public for Idaho
Residing at Driggs, Idaho
My Commission Expires: _____

C:\Program Files\Qualcomm\Eudora\Attach\bilyara0509.wd.frm

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Santa Clara

} ss.

On

June 20, 2000

Date

before me,

Rosemary C. Duran, Notary

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

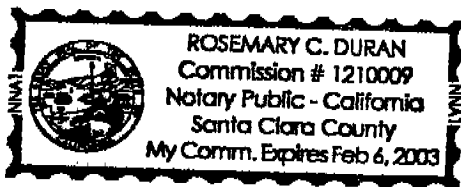
personally appeared

Robert E. Nelson

Name(s) of Signer(s)

☒ personally known to me☐ proved to me on the basis of satisfactory evidence

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 in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Rosemary C. Duran
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document:

Corporation Warranty Deed

Document Date:

6-20-00

Number of Pages:

2

Signer(s) Other Than Named Above:

none

Capacity(ies) Claimed by Signer

Signer's Name:

Robert E. Nelson☒ Individual☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Attorney in Fact☐ Trustee☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

CLAWSON
QUADRANGLE

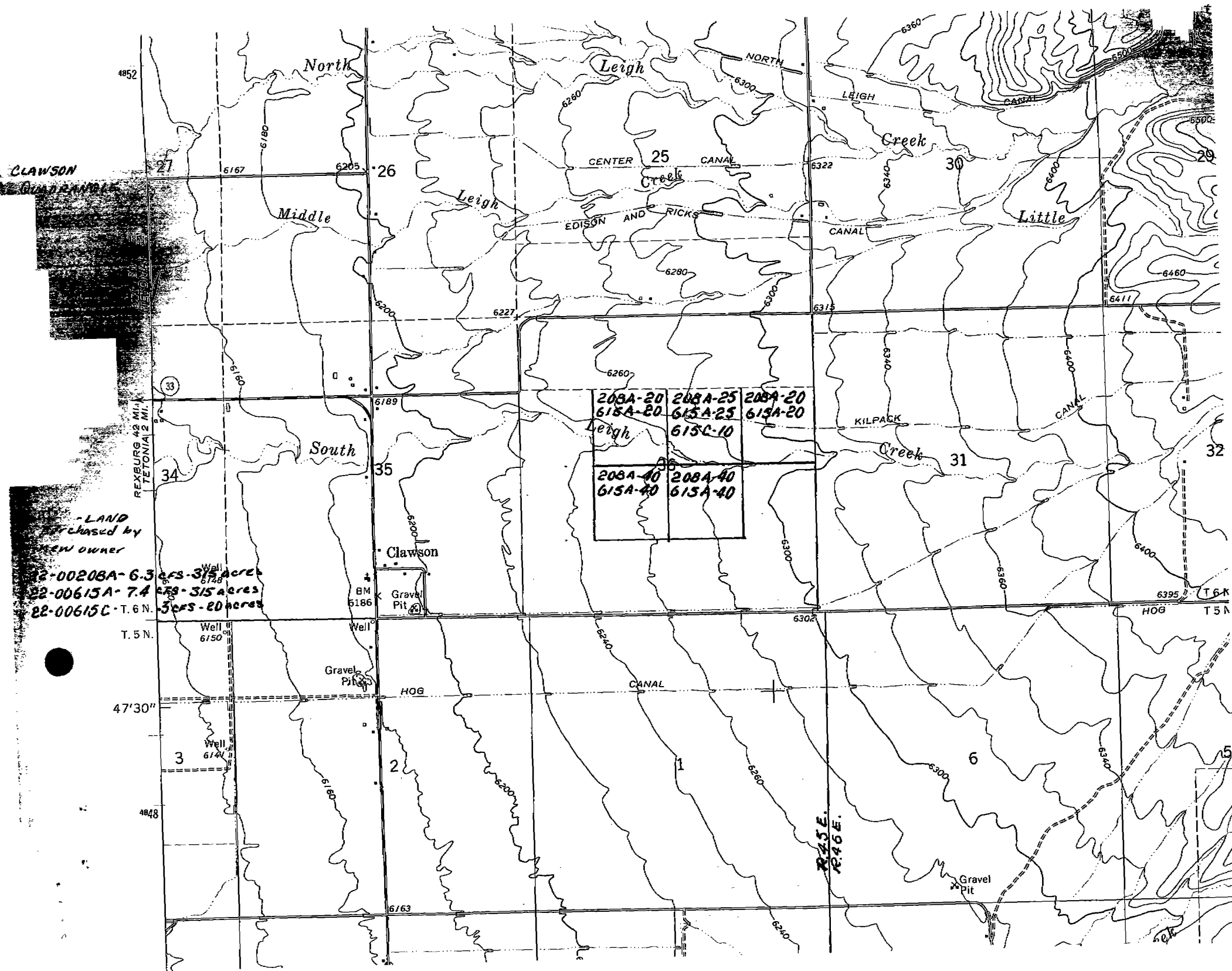
4852

T. 5 N.

4848

- LAND
Purchased by
NEW OWNER

22-00208A-6.3 acs-315 acres
22-00615A-7.4 acs-315 acres
22-00615C-T. 6 N. 3 acs-20 acres



Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
THEL W. CASPER
SHAN B. PERRY
AMELIA A. CANEGALY

U.S. BANK BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL CHOMER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

RECEIVED

JUL 24 2000

Department of Water Resources
Eastern Region

July 21, 2000

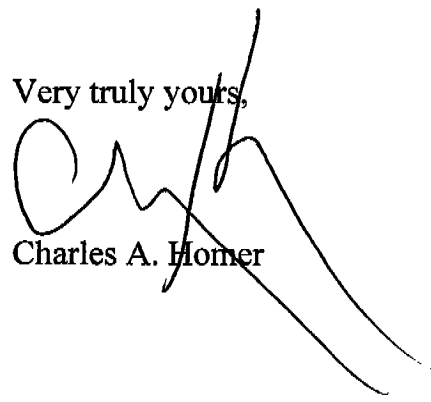
Idaho Department of Water Resources
900 Skyline Drive
Idaho Falls, Idaho 83402-1718

Re: New Property Owner Notice of Change of Water Right Ownership

Gentlemen:

Our office was recently involved in a real estate transaction involving a like-kind exchange wherein the property was originally transferred from James William Beard and Leona Beard, acting individually and as trustees of the Beard Family Trust to Bilyara Farms, Inc. Bilyara Farms, Inc. then transferred the property to Boyd C. Smith and Jill Johnson Smith as trustees of the Boyd Charles Smith and Jill Johnson Smith Trust. Enclosed for your information is a fully executed New Property Owner Notice of Change of Water Right Ownership which has attached thereto a copy of the Corporation Warranty Deed from Bilyara Farms, Inc. to the Boyd Charles Smith and Jill Johnson Smith Trust and a map setting forth the property involved in this transaction. You will note that the Change in Ownership results in a splitting of the water rights. If you need any additional information or documentation from our office on this matter, please contact us at your convenience.

Very truly yours,


Charles A. Homer

Enclosures

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