

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

AUG 09 2004

Department of Water Resources
Eastern Region

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

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
	A2200502B				

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)

H. Wayne and Pearl F. Atchley
211 West Highway 33
Tetonia, Idaho 83452

4. New Owner/Claimant(s)

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

New Mailing Address

City, State and ZIP Code

New Telephone Number

Kendall O. and Kim A Smith, ^{Living} Trust
219 W. Hwy 33, Tetonia, Id 83452
(208) 456-2354

5. Date you acquired the property

Aug 12, 2003

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 _____

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	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
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 _____

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	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7.

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

Kendall O Smith 8/6/04
Kim A. Smith 8/6/04

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 _____
Receipted by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

RECEIVED

AUG 13 2003

TETON CO., ID
CLERK RECORDER

156580

Instrument # 156580

DRIGGS, TETON, IDAHO

2003-08-13

02:43:51 No. of Pages: 3

Recorded for: BEARD ST. CLAIR

NOLAN G. BOYLE

Fee: 9.00

Ex-Officio Recorder Deputy

Index to: DEED. SPECIAL WARRANTY

Baside

SPECIAL WARRANTY DEED

1. Date

August 12, 2003.

2. Parties

Grantor:

Kendall O. Smith and Kim A. Smith, husband and wife.

Current address:

PO Box 14, Tetonia, Idaho 83452.

Grantee:

KENDALL O. SMITH and KIM A. SMITH, Trustees, or their successors in trust, under the KENDALL AND KIM SMITH LIVING TRUST, dated August 12, 2003, and any amendments thereto.

Current address:

c/o Kendall O. Smith and Kim A. Smith, Trustees, PO Box 14, Tetonia, Idaho 83452.

3. Property

Idaho County: Teton

Transferred interest: Grantor's entire fee simple

Street Address:

219 West Highway 33, Tetonia, Idaho 83452.

Description:

Beginning at the Southeast corner of the Northeast Quarter of the Northeast Quarter of Section 33, Township 6 North, Range 45 East, Boise Meridian, Teton County, Idaho, and running thence North 15 feet, more or less, to the South right-of-way line of State Highway No. 33; thence following along said highway right-of-way line in a Northwesterly direction 176 rods, more or less, to the East Bank of the Tetonia Canal; thence up along said East Canal Bank in a Southeasterly direction 66 rods, more or less, to a point on the East Canal Bank, which point is 14 rods, more or less, North of the South line of the Northwest Quarter of the Northeast Quarter of said Section 33; thence West (crossing the canal) 33 feet; thence South 14 rods, more or less, to the South line of the Northwest Quarter of the Northeast Quarter; thence East along said South line 136 rods, more or less, to the point of beginning.

Together with 45 inches of the waters of North Leigh Creek or Spring Creek, being a portion of the waters decreed to O.W. Shaw property under decree dated June 1, 1890,

156580

of which the foregoing described piece is a portion thereof, which said original decree appears in Book 11 of the records of Teton County, Idaho, at Pages 23 and 96.

Less, Beginning at the Southeast corner of the Northeast Quarter of the Northeast Quarter of Section 33, Township 6 North, Range 45 East, Boise Meridian, Teton County, Idaho, and running thence North 15 feet, more or less, to the South right-of-way line of State Highway No. 33; thence following along said highway right-of-way line in the Northwesterly direction 400 feet, more or less, that point being the true point of beginning; thence 34 feet South; thence 37 feet West; thence 16 feet North; thence 260 feet West; thence 123 feet North; thence 48 feet East; thence 73 feet North to the South right-of-way line of State Highway No. 33; following along said highway right-of-way line in a Southeasterly direction 306 feet, more or less, to the point of beginning.

Together with all of the interest of Grantors herein in and do that certain well agreement bearing date of the 7th of September 1961, between the following named parties, to-wit: Arthur Rammell, Richard Egbert, Adrian Cook, Clair S. Hanks, Warren Fullmer, Ralph Heilesen, Robert Smellie and Russell Rammell, wherein the Grantors herein became and were entitled, subject to the terms and conditions thereof, to a 15% interest in said well.

Together with:

All improvements, water, water rights, ditches, ditch rights, easements, tenements, hereditaments, appurtenances, reversions, remainders, rents, issues, and profits.

Subject to:

Rights of way for roads and ditches now existing on the property plus all easements and rights-of-way of record, if any, covenants, restrictions, reservations, applicable building and zoning ordinances, use regulations and restrictions, and accruing taxes.

Taxes and assessments for 2003 and all subsequent years.

All facts, rights, claims and interest ascertainable by inspection of the property or by inquiry of persons in possession.

Unpatented mining claims, reservations and exceptions and patents or in acts authorizing their issuance.

4. Consideration

Ten Dollars and other good and valuable consideration, receipt of which is acknowledged.

5. Grant

Grantors, for the consideration listed above hereby grants, bargains, sells, conveys and confirms to grantee, its successors and assigns, the transferred interest in the property described in this deed.

6. Warranties

Grantors, for themselves, their heirs, successors and assigns, covenants with grantee, it successors, and assigns as follows:

Grantors are currently the owner of the property as described in this deed.

Grantors have good right to convey the property described in this deed to grantee.

The property described in this deed is free from all encumbrances, except as otherwise shown in this deed or of record.

Grantors and their heirs and successors will forever warrant and defend the quiet and peaceful possession of the property granted by this deed to grantee, his heirs, successors and assigns against the lawful claims of all persons.

The warranty in this deed:

1. is limited in this matter to the coverage the grantor(s) have under any policy of title insurance or damages of \$10.00 (whichever is greater) and
 2. is to apply the doctrine of estoppel with respect to after acquired title.
- GRANTOR(S) in this deed are the TRUSTMAKERS (Settlors) of the above Trust.

7. Construction

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



Kendall O. Smith



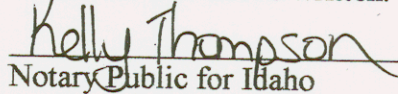
Kim A. Smith

STATE OF IDAHO)
) ss.

County of Bonneville)

On August 12, 2003, before me, Kelly Thompson, an Idaho notary public, personally appeared Kendall O. Smith and Kim A. Smith, known or identified to me to be the persons whose names are subscribed to this instrument and acknowledged to me that they executed the same.

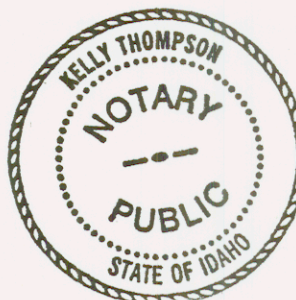
In witness, I have set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public for Idaho

Residing at: Rigby, Idaho

Commission expires: March 12, 2007



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