



LAW OFFICES  
601 W. Bannock Street  
PO Box 2720, Boise, Idaho 83701  
TELEPHONE: 208 388-1200  
FACSIMILE: 208 388-1300  
WEBSITE: www.givenspursley.com

John M. Marshall  
DIRECT DIAL: 208 388-1270  
EMAIL: johnmarshall@givenspursley.com

RECEIVED

SEP 05 2006

DEPARTMENT OF  
WATER RESOURCES

Gary G. Allen  
Kristen A. Atwood  
Kelly T. Barbour  
Christopher J. Beeson  
William C. Cole  
Michael C. Creamer  
Thomas E. Dvorak  
Roy Lewis Eiguren  
Jeffrey C. Fereday  
Martin C. Hendrickson  
Steven J. Hippler  
Debora K. Kristensen  
Anne C. Kunkel

Jeremy G. Ladle  
Michael A. Lawrence  
Franklin G. Lee  
David R. Lombardi  
John M. Marshall  
Kenneth R. McClure  
Kelly Greene McConnell  
Cynthia A. Melillo  
Christopher H. Meyer  
L. Edward Miller  
Patrick J. Miller  
Judson B. Montgomery  
Angela K. Nelson  
Deborah E. Nelson

W. Hugh O'Riordan, LL.M.  
Bradley V. Sneed  
H. Barton Thomas, LL.M.  
J. Will Varin  
Conley E. Ward  
Robert B. White  
Terri R. Yost

RETIRED  
Kenneth L. Pursley  
Raymond D. Givens  
James A. McClure

August 31, 2006

VIA REGULAR MAIL

Michael Ciscell  
Senior GIS Analyst  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, ID 83720-0098

Re: Change of Ownership for WR# 63-6539  
GP File No. 7383-1

Dear Michael:

Enclosed please find the Change of Ownership form for Water Right 63-6539. I have also enclosed the map depicting the place of use and points of diversion. I have noted the current location for the two wells and some additional areas for the place of use. If an amended claim is required, please let me know.

If you have any comments or questions regarding this change, please call me.

Sincerely,

John M. Marshall

JMM:amm

cc: Sarah Jane Smith

Enclosure

S:\CLIENTS\7383\1\ltr to Ciscell with Notice of Change of Ownership.DOC

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

RECEIVED  
 SEP 05 2006  
 DEPARTMENT OF  
 WATER RESOURCES

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 not corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), 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<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 63-7539               |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

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 diversion 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 claims(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) is 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) David Vastine  
105 Florida Ave., Piedmont, CA 94611
4. New Owner/Claimant(s) Sara Jane Smith  
 Name Connector (Check one): [ ] and, [ ] or, [ ] and/or  
 New Mailing Address 7511 Warren Spur Road  
 City, State and ZIP Code Melba, Idaho, 83641-5231  
 New Telephone Number (208) 495-2340
5. Date you acquired the property June 29, 1999

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 the 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<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc.) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                         |
| Stock                                                                                                                   | _____                                                                      | _____                                                         |
| Domestic                                                                                                                | _____                                                                      | _____                                                         |
| Other _____                                                                                                             | _____                                                                      | _____                                                         |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                         |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc.) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                         |
| Stock                                                                                                                   | _____                                                                      | _____                                                         |
| Domestic                                                                                                                | _____                                                                      | _____                                                         |
| Other _____                                                                                                             | _____                                                                      | _____                                                         |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                         |

7. Signature of New Owner(s) or Claimant(s) Sarah Jane Smith  
(include title if applicable) Sarah Jane Smith

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 \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

①

200429614

PIN 79964

82

## WARRANTY DEED

FOR VALUE RECEIVED DAVID JOSEPH DONALDSON REVOCABLE TRUST  
dated June 29, 1999

the Grantor, does hereby grant, bargain, sell and convey unto SARAH JANE SMITH, an unmarried woman

the Grantee, whose address is 7511 WARREN SPUR ROAD, MELBA, ID 83641-5231

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY THIS  
REFERENCE:

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, her heirs and assigns  
forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said  
premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 2004 and  
subsequent years, covenants, conditions, restrictions and easements of record; and that it will warrant and defend the same from  
all lawful claims whatsoever.

DATED: May 27, 2004

DAVID JOSEPH DONALDSON REVOCABLE TRUST

BY: David Joseph Donaldson  
TRUSTEE

STATE OF ARIZONA  
COUNTY OF MARICOPA

On this 1<sup>st</sup> day of June, 2004, before me,  
a notary public, personally appeared DAVID JOSEPH  
DONALDSON, known to me to be the person(s) whose name(s)  
is/are subscribed to the within instrument as TRUSTEE of THE  
DAVID JOSEPH DONALDSON REVOCABLE TRUST and  
acknowledged to me that they executed the same as such TRUSTEE.

Rebecca M. Earp

Notary Public  
Residing at Nampa, Idaho - RESIDING AT APODLE, AZ  
My commission expires: 4/17/2009 My Commission Expires 03/31/08

REQUEST PIONEER-NAMPA  
TYPE Fee of Fee Fee  
CANYON COUNTY RECORDER  
BY John Hale

2004 JUN 2 PM 4 46

RECORDED

200429614



REBECCA M. EARP  
Notary Public - Arizona  
Maricopa County  
Expires 03/31/08

PIONEER TITLE COMPANY  
OF CANYON COUNTY

100 10TH AVE SOUTH  
NAMPA, IDAHO 83651

423 SOUTH KIMBALL  
CALDWELL, ID 83605

PN79864

187

A tract of land situated in a part of the Southwest Quarter, Section 14, and Northwest Quarter and Southwest Quarter, Section 23, Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho, and more particularly described as follows:

**BEGINNING** at the Quarter Section Corner common to Sections 14 and 23, said corner monumented with a 3 inch diameter brass disk; thence

North 90° 00' 00" West, a distance of 300.00 feet along the boundary common to said Sections 14 and 23 to a point on the centerline of an abandoned railroad tracks, said point monumented with a 1/2 inch diameter iron pin; thence

South 0° 00' 00" West, a distance of 115.00 feet to a 1/2 inch diameter iron pin; thence

North 90° 00' 00" West, a distance of 125.00 feet to a 1/2 inch diameter iron pin; thence

North 55° 07' 18" West, a distance of 800.00 feet to a 1/2 inch diameter iron pin; thence

South 29° 43' 50" West, a distance of 267.11 feet to a point on the Northerly shoulder of Warren Spur Road, said point monumented with a 2 inch PK nail and brass washer; thence

North 50° 07' 00" West, a distance of 506.52 feet along the Northerly shoulder of said Warren Spur Road to a 2 inch PK nail and brass washer; thence

North 59° 16' 25" West, a distance of 661.48 feet along the Northerly shoulder of said Warren Spur Road to a 2 inch PK nail and washer; thence

South 0° 54' 57" West, a distance of 723.43 feet to a point on the centerline of an existing powerline, said point monumented with a 1/2 inch diameter iron pin; thence

North 87° 34' 58" West, a distance of 165.42 feet along the centerline of said powerline to a 1/2 inch diameter iron pin; thence

South 13° 57' 40" East, a distance of 956.02 feet to a point at the base of a Butte, said point monumented with a 1/2 inch diameter iron pin; thence along the base of said Butte as follows:

South 26° 20' 34" West, a distance of 139.54 feet;

South 12° 38' 18" West, a distance of 226.30 feet;

South 19° 06' 43" East, a distance of 242.21 feet;

South 10° 45' 12" West, a distance of 160.19 feet;

South 25° 47' 38" East, a distance of 211.79 feet;

South 43° 14' 29" East, a distance of 447.97 feet;

North 84° 29' 44" East, a distance of 230.87 feet; thence leaving the base of said

Butte

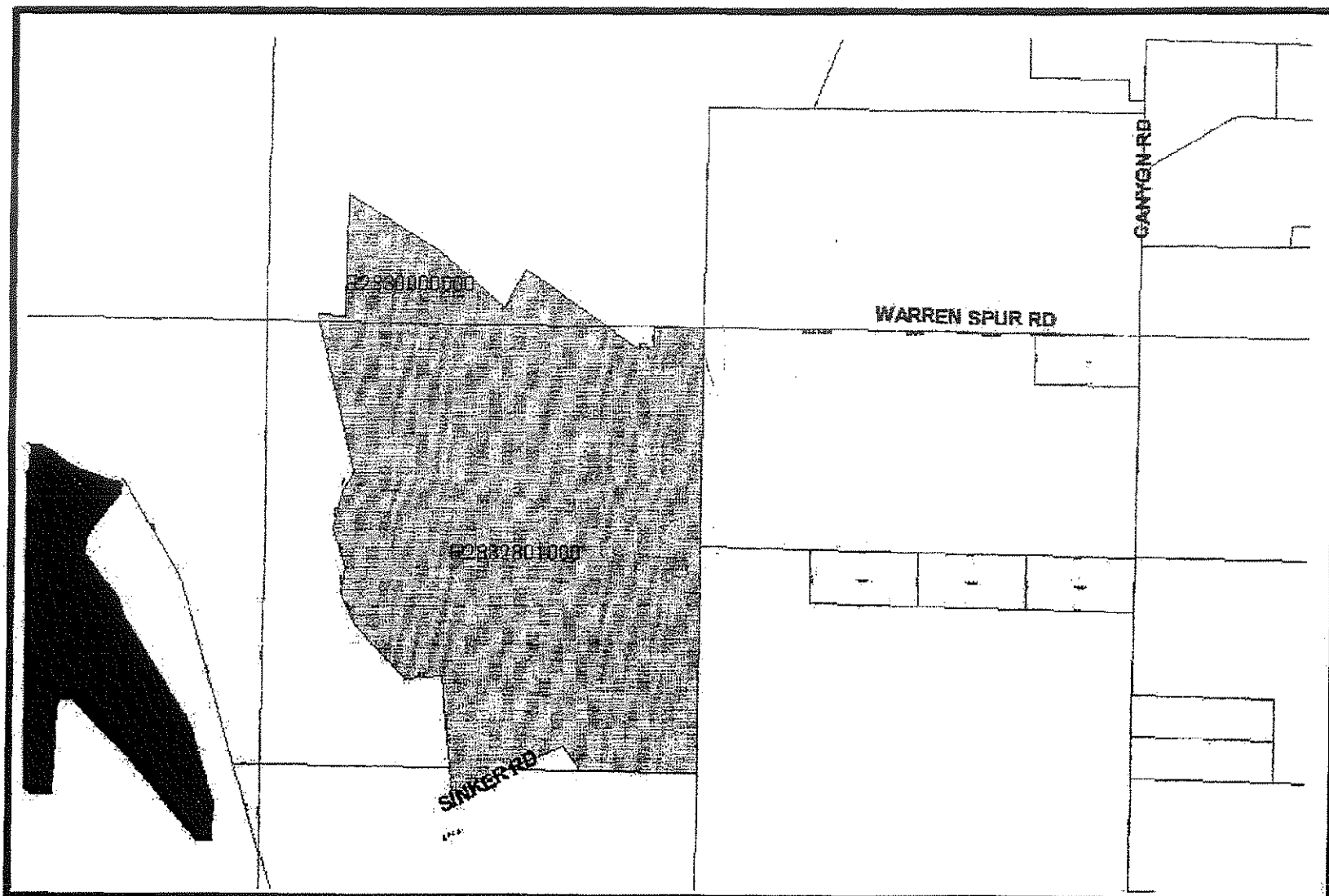
South 6° 18' 03" East, a distance of 712.84 feet to a 1/2 inch diameter iron pin; thence

North 65° 43' 06" East, a distance of 721.60 feet to a 1/2 inch diameter iron pin; thence

South 37° 24' 48" East, a distance of 185.07 feet to a 1/2 inch diameter iron pin; thence

North 90° 00' 00" East, a distance of 701.68 feet to a point on the mid-section line of said Section 23, said point monumented with a 1/2 inch diameter iron pin; thence

North 0° 00' 00" East, a distance of 2,656.35 feet along said mid-section line to the POINT OF BEGINNING.



**Pioneer Title Co.**  
SURETY SERVICE



Map Created: Jun 0-15-2006

This map and data displayed is a graphic representation based on the Oregon County Geographic Information System (GIS) data. It was designed and intended for use only; it is not a warranty or survey accuracy. This map is based on information available and was compiled from numerous sources which may not be accurate. Users are to use with the information. Oregon County and Oregon Geographic Services, Inc. are not liable for errors or omissions resulting from the use of this product for any purpose.



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200516592

RECORDED

2005 MAR 30 PM 2:00

C. NOEL BALES  
CANYON COUNTY RECORDER

*Superiorly  
Rec'd*

When recorded return to:

Judson B. Montgomery  
GIVENS PURSLEY LLP  
601 W. Bannock Street  
Boise, ID 83702

### QUITCLAIM DEED

FOR VALUE RECEIVED, David W. Vastine, Marcia J. Vastine and the 1998 David W. Vastine and Marcia J. Vastine Family Trust, dated November 4, 1998, the GRANTORS, hereby quitclaim unto Canyon Cattle Company, Inc., whose current address is 7702 Warren Spur Road, Melba, Idaho 83641, the GRANTEE, that certain real property in Canyon County, State of Idaho, more particularly described on Exhibit A, attached hereto.

TO HAVE AND TO HOLD the said real property with all appurtenances, including, without limitation, all water shares, water rights and water claims appurtenant to the real property, unto the said GRANTEE, and GRANTEE'S heirs and assigns forever.

Dated effective the 19 day of February, 2005

GRANTORS:

DAVID W. VASTINE

MARCIA J. VASTINE

By: *David W. Vastine*  
David W. Vastine

By: *Marcia J. Vastine*  
Marcia J. Vastine

THE 1998 DAVID W. VASTINE and MARCIA J. VASTINE FAMILY TRUST, dated November 4, 1998

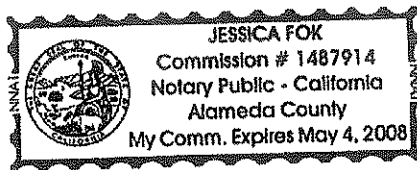
By: *David W. Vastine*  
David W. Vastine, Trustee

By: *Marcia J. Vastine*  
Marcia J. Vastine, Trustee

State of California )  
County of Alameda ) SS:

On February 19, 2005, before me, Jessica Fok, Notary Public, personally appeared David W. Vastine and Marcia J. Vastine, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

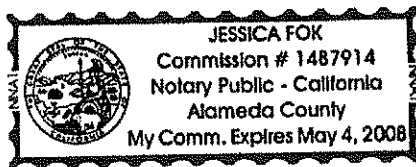


Jessica Fok  
Signature of Notary Public

State of California )  
County of Alameda ) SS:

On February 19, 2005, before me, Jessica Fok, Notary Public, personally appeared David W. Vastine and Marcia J. Vastine, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities as Trustees of the 1998 David W. Vastine and Marcia J. Vastine Family Trust, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.



Jessica Fok  
Signature of Notary Public

## **EXHIBIT A**

A 10-foot by 10-foot parcel on which is located a well enclosed in a cement housing, which parcel is located approximately in the Southeast corner of the Southwest Quarter of Section 14 in Township 1 South, Range 2 West, Boise Meridian, and which well is connected by pipelines to property in the Northwest Quarter of Section 23 in Township 1 South, Range 2 West, Boise Meridian; together with a permanent easement and right-of-way for the purpose of conveying water through said pipelines and maintaining, servicing and repairing the well and pipelines herein described.

200516593

RECORDED

2005 MAR 30 PM 2:00

G. NOEL HALE  
CANYON COUNTY RECORDER

*Judson B. Montgomery*  
*GIVENS PURSLEY*

When recorded return to:

Judson B. Montgomery  
GIVENS PURSLEY LLP  
601 W. Bannock Street  
Boise, ID 83702

### QUITCLAIM DEED

FOR VALUE RECEIVED, Canyon Cattle Co., Inc., an Idaho corporation, also known as Canyon Cattle Company, Inc. ("GRANTOR"), hereby quitclaims unto Sarah Jane Smith, dba Canyon Cattle Feeders, whose current address is 7511 Warren Spur Road, Melba, Idaho 83641 ("GRANTEE"), that certain real property in Canyon County, State of Idaho, more particularly described on Exhibit A, attached hereto.

TO HAVE AND TO HOLD the said real property with all appurtenances, including, without limitation, all water shares, water rights and water claims appurtenant to the real property, unto the said GRANTEE, and GRANTEE'S heirs and assigns forever.

Dated effective the 2nd day of March, 2005.

GRANTOR:

CANYON CATTLE CO., INC., an Idaho corporation

By:

*Pearl M. Peavey*  
Pearl Peavey, President

State of Idaho )

) ss.

County of Canyon )

On this 2nd day of March, 2005, before me, a Notary Public in and for said State, personally appeared Pearl Peavey, known or identified to me to be the President of Canyon Cattle Co., Inc., 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.



*Beth Wannberg*  
Notary Public for Idaho

Residing at Caldwell Id

My Commission expires 10-4-06

## **EXHIBIT A**

A 10-foot by 10-foot parcel on which is located a well enclosed in a cement housing, which parcel is located approximately in the Southeast corner of the Southwest Quarter of Section 14 in Township 1 South, Range 2 West, Boise Meridian, and which well is connected by pipelines to property in the Northwest Quarter of Section 23 in Township 1 South, Range 2 West, Boise Meridian; together with a permanent easement and right-of-way for the purpose of conveying water through said pipelines and maintaining, servicing and repairing the well and pipelines herein described.