

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
AUG 18 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

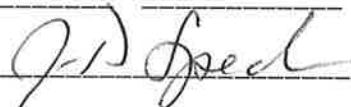
[] Water Right Number(s): _____

[] Name(s): Smokey Dome LLC
c/o Chuck Hill

[] Old Mailing Address: P.O. Box 1607
Bellevue, WA 98009

[] New Mailing Address: Smokey Dome LLC
c/o Gregory Vik
P.O. Box 1607, Bellevue, WA 98009

Telephone Number: (425) 460-2542

[] Signature(s) of Owner(s) 
James P. Speck, Attorney for Smokey Dome LLC
(Include your title if on behalf of company or organization)

Date: 8-8-07

Send to:

IDWR Northern Region
7600 Mineral Dr., Suite 100
Coeur d'Alene, ID 83815
(208) 762-2800

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

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 37-409B
Date Received: 2/15/1990
Receipt No: X999999
Received By:

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

1. Name of Claimant(s)

SMOKEY DOME LLC
C/O CHARLES E HILL
PO BOX 1607
BELLEVUE WA USA 98009

Phone: (425) 688-9304

2. Date of Priority: 04/01/1907

3. Source: THREEMILE CREEK EAST FORK Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	13E	23	NE NW NE	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	4/01	11/01	0.35	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	13E	23	NE	NW	IRRIGATION	5
			NE	SW	IRRIGATION	20
			SE	SW	IRRIGATION	5
			SE	NW	IRRIGATION	20
Section Acres						50
Total Acres						50

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:

14. Remarks:

TRANS. 599 P/D GIVEN IN TRANSFER IS ON EAST FORK THREE MILE CR.; SEE USGS MAP CHANGE IN P/U TO SHOW ACTUAL ARES IRRIGATED.

OWNERSHIP CHANGE PER FORM 42-1409(7). CLF 6/23/95 *****
OWNERSHIP CHANGE ON A37-00409 RESULTED IN A SPLIT. THE "A" PORTION BELONGS TO VM DIAMOND AND THE "B" PORTION BELONGS TO SMR DEVELOPMENT. WARRANTY DEED AND MAP PROVIDED FOR PROOF.

TLB 3/5/97

11/22/06 - Ownership change to Smokey Dome LLC

15. Basis of Claim: Decreed

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-409B

WATER RIGHT NUMBER: 37-409B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SMR DEVELOPMENT LC 7878 USTICK RD BOISE, ID 83704 (208)376-6346
Original Owner	V M DIAMOND RANCH LLC PO BOX 190690 BOISE, ID 83719 (208)887-6028
Original Owner	HIDDEN PARADISE RANCH OWNERS ASSN PO BOX 279 FAIRFIELD, ID 83327 (208)764-2506

Priority Date: 04/01/1907

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
EAST FORK THREEMILE CREEK	CAMAS CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01	to 11/01	0.350 CFS	
<u>Total Diversion:</u>			0.350 CFS	

Location of Point(s) of Diversion

EAST FORK THREEMILE CREEK	NE1/4NW1/4NE1/4	Sec. 23, Twp 01N, Rge 13E, B.M.
CAMAS County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	13E	23					5.0			20.0	20.0			5.0					50.0

Total Acres: 50

Conditions of Approval:

- TRANS. 599 P/D GIVEN IN TRANSFER IS ON EAST FORK THREEMILE CR.; SEE USGS MAP CHANGE IN P/U TO SHOW ACTUAL ARES IRRIGATED.
OWNERSHIP CHANGE PER FORM 42-1409(7). CLF 6/23/95 ***** OWNERSHIP CHANGE ON A37-00409 RESULTED IN A SPLIT. THE "A" PORTION BELONGS TO VM DIAMOND AND THE "B" PORTION BELONGS TO SMR DEVELOPMENT. WARRANTY DEED AND MAP PROVIDED FOR PROOF.
TLB 3/5/97

BASIN 37, PART 2 GENERAL PROVISIONS

The Director of the Idaho Department of Water Resources recommends to the Snake River Basin Adjudication District Court that the following general provisions be included in the decree determining rights to water from Basin 37.

1. The following water rights from the following sources of water in Basin 37 shall be administered separately from all other water rights in Basin 37 in accordance with the prior appropriation doctrine as established by Idaho law:

SEE ATTACHMENT 1

2. The following water rights from the following sources of water in Basin 37 shall be administered separately from all other water rights in the Snake River Basin in accordance with the prior appropriate doctrine as established by Idaho law:

<u>WATER RIGHT NO.</u>	<u>SOURCE</u>
None	None

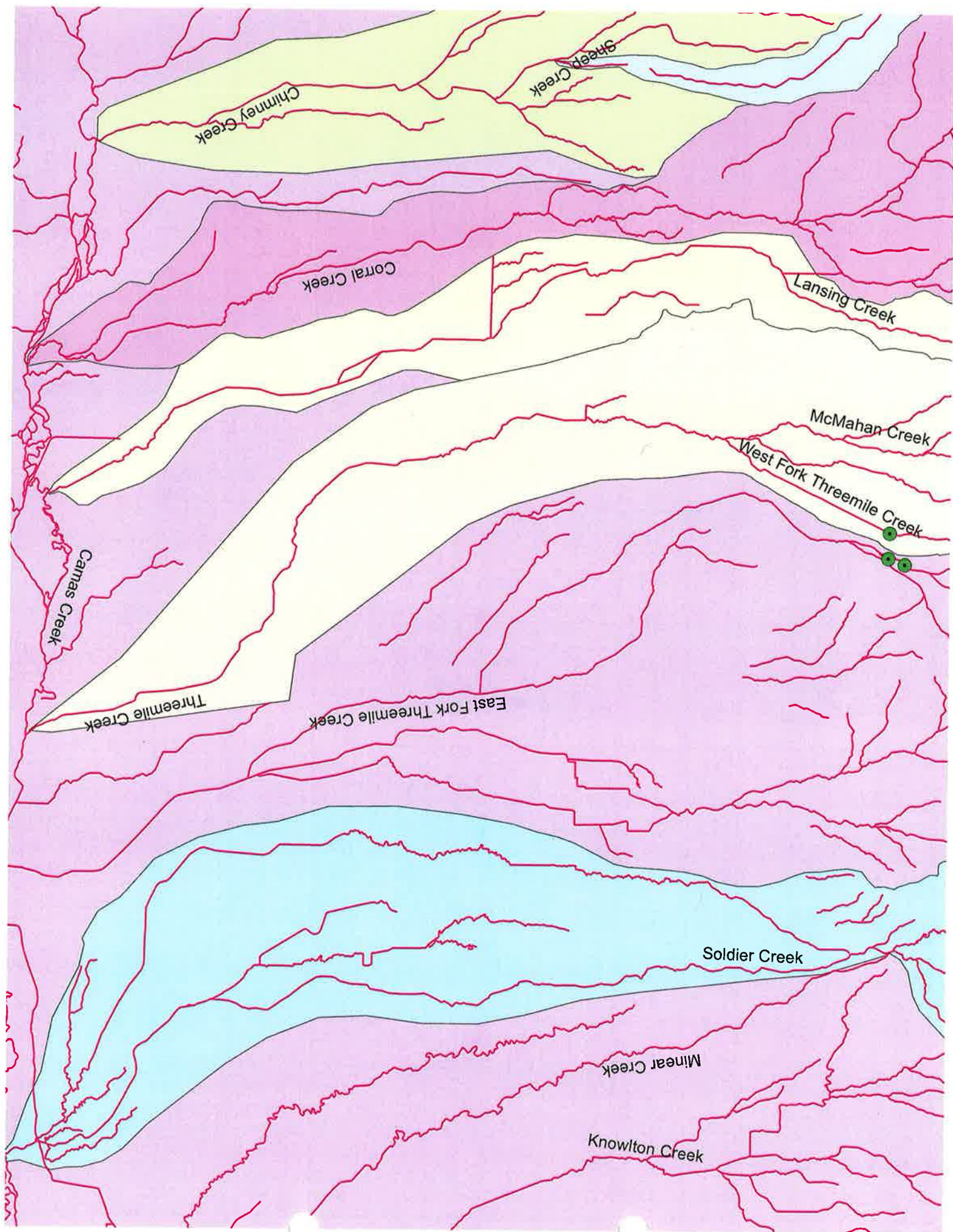
3. Except as otherwise specified above, all other water rights within Basin 37 will be administered as connected sources of water in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law.

Attachment 1
Basin 37 Part 2

Calf Creek and tributaries to Clover Creek		Camas Creek Tributary to Big Wood River		Camp Creek and tributaries tributary to Camas Creek		Chimney Creek and tributaries tributary to Camas Creek		Corral Creek and tributaries tributary to Camas Creek		Cow Creek Tributary to Camas Creek		Deer Creek and tributaries tributary to Camas Creek
37-817		37-1230A		37-438		37-77B		37-35A		37-491		37-410
		37-596		37-439		37-228		37-35B		37-656		37-411
		37-444		37-440		37-229		37-454A		37-2170		37-529
		37-591A		37-441		37-388A		37-454B		37-21391		37-530
		37-591B				37-388B		37-463A		37-21392		37-4096
		37-592A				37-2147		37-463B		37-21792		
		37-594B				37-4191		37-720		37-21951		
		37-4061						37-728A		37-21953		
		37-4323						37-728B				
		37-4325						37-1176				
		37-21363						37-2540				
		37-21364						37-2736A				
		37-21367						37-13261A				
		37-21368						37-13261B				
		37-21387						37-13267A				
		37-21388						37-13267B				
		37-21389						37-13268A				
		37-21390						37-13268B				
		37-343A						37-13269A				
		37-2144						37-13269B				
		37-514						37-13270A				
		37-13110						37-20373				
		37-13120						37-20374				
		37-2089						37-463A				
		37-2244A						37-727A				
		37-2244B						37-2139A				
		37-21835						37-2139B				
		37-21840						37-2726				
		374149A										
		37-4301										
		37-4343										
		37-4359										
		37-13369										
		37-21732										
		37-593B										
		37-21366										
		37-409B										
		37-2076B										
		37-2227										
		37-844A										
		37-2022										
		37-2153										
		37-2218										
		37-4297										
		37-21657										
		37-2001										

Attachment 1
Basin 37, Part 2

[illegible]



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

In Re SRBA

Case No. 39576

A. Subcase 37-409B

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Smokey Dome LLC

Address: c/o Gregory Vik
P.O. Box 1607
Bellevue, WA 98009

Daytime Phone: (425) 460-2542

Name & Address of Attorney, if any:

James P. Speck
SPECK & AANESTAD
A Professional Corporation
PO Box 987
Ketchum, ID 83340

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Smokey Dome LLC

Address: PO Box 1607
Bellevue, WA 98009

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:

2. ☒ **Source**
Should be: This right should be added to the list of rights delivered from this source and its tributaries in Attachment 1 to Basin 37, Part 2 General Provisions.

3. ☐ **Quantity**
Should be:

4. ☐ **Priority Date**
Should be:

5. ☐ **Point(s) of Diversion**
Should be:

6. ☐ **Instream Flow Description**
Should be:

7. ☐ **Purpose(s) of Use**
Should be:

8. ☐ **Period of Year**
Should be:

9. ☐ **Place of Use**
Should be:

10. **I object because:**

☐ This water should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

F.

VERIFICATION (Must be completed)

State of Idaho)
) ss.
County of Blaine)

James P. Speck, being first duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

J. P. Speck
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

May 7, 2007



Jean A. Latham
Notary Public for Idaho

Residing at Blaine Co

My Commission expires 1-25-2013

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all of the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on May 11, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the claimant of the water right at the following address:

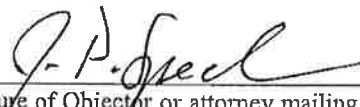
Name: Smokey Dome LLC
Address: c/o Gregory Vik
P.O. Box 1607
Bellevue, WA 98009

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of Objector or attorney mailing on
Objector's behalf

10/17/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-409B

NAME AND ADDRESS: SMR DEVELOPMENT LC
7878 USTICK RD
BOISE ID 83704

*Ownership change
to Smokey Dome LLC*

SOURCE: EAST FORK THREE MILE CREEK

TRIBUTARY: CAMAS CREEK

QUANTITY: 0.350 CFS

PRIORITY DATE: 04/01/1907

POINT OF DIVERSION:

T01N R13E S23 NENWNE Within CAMAS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.350 CFS

PLACE OF USE:

IRRIGATION Within CAMAS County

T01N R13E S23	NENW	7.80	T01N R13E S23	SENW	20.00
T01N R13E S23	NESW	20.00	T01N R13E S23	SESW	5.00

52.8 ACRES TOTAL

Right Nos. 37-368B, 37-409B and 37-2076B are limited to the irrigation of a combined total of 52.8 acres in a single irrigation season.

This right is limited to the irrigation of 50 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



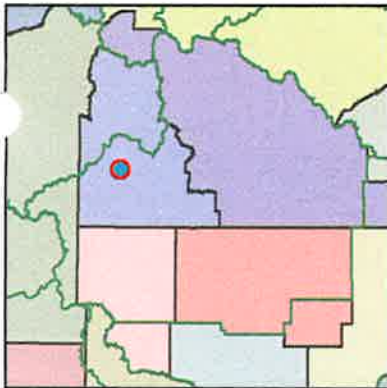
Idaho Department of Water Resources

SRBA Recommendation:

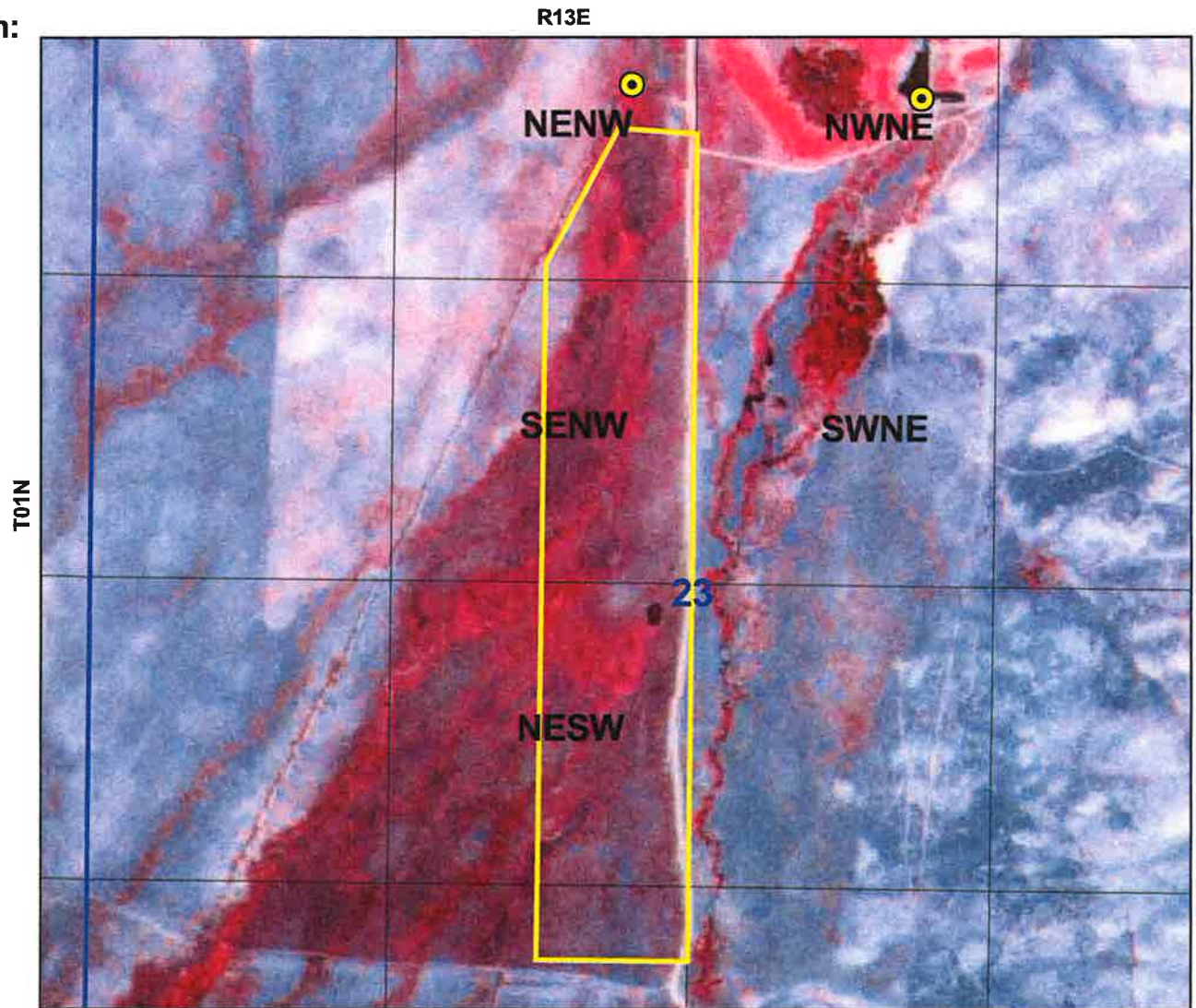
37-368B
37-409B
37-2076B

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Camas County
IDWR Basin 37



0 0.3 0.6 Miles



Prepared by S. Clelland
On Tuesday, October 17, 2006
1987/88 Aerial Photography

TIN
RIBE

22 23

27 26

14 13

23 24

37-409B

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-409

WATER RIGHT NUMBER: 37-409

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	E B LEMMAN
	, ZZ
Current Owner	W W LEEK
	FAIRFIELD, ID 83327

Priority Date: 04/01/1907

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
EAST FORK THREEMILE CREEK	CAMAS CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	/	to /		
IRRIGATION	/	to /	3.200 CFS	
	<u>Total Diversion:</u>		3.200 CFS	

Location of Point(s) of Diversion

EAST FORK THREEMILE CREEK	NW1/4NE1/4	Sec. 23, Twp 01N, Rge 13E, B.M.
CAMAS County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	13E	23		X	X						X		X	X			X		
01N	13E	26					X	X	X	X									
01N	13E	27	X			X													

DOMESTIC same as IRRIGATIONConditions of Approval:

1. TRANS. 599.
SOURCE GIVEN IN DECREE AS THREEMILE OR FOURMILE CREEK.
P/D GIVEN IN TRANSFER IS ON EAST FORK THREEMILE CR.; SEE USGS MAP AC. IRRIG. NOT SPECIFIED. FARM = 480 AC.

SRBA

SUBCASE SUMMARY REPORT 37-00409B

[Return to SRBA Home Page](#)

SRBA

SUBCASE SUMMARY REPORT

HTML12

06-25-2008

SUBCASE: 37-00409B FILE#: 00930
CLAIMANT: SMOKEY DOME LLC
C/O GREGORY VIK
PO BOX 1607

BELLEVUE WA 98009

STATUS: AT ISSUE SPECIAL MASTER: BILYEU, BRIGETTE
WATER SOURCE: EAST FORK THREEMILE CREEK TRIBUTARY: CAMAS CREEK
ISSUES: SOURCE OF WATER
0

****** PARTIES INVOLVED ******

SMOKEY DOME LLC

C ATTY: JAMES P. SPECK

****** ROA ENTRIES ******

05-08-2007	OBJ 01 F/B SMOKEY DOME LLC	RB	07-23-2007 0001
08-23-2007	ORIGINAL NOTICE OF CLAIM		
09-11-2007	OVERLAPS WITH CONTESTED RIGHTS 37-368A, 37-409A, 37-2076A, 37-2076B		
09-11-2007	OVERLAPS WITH UNCONTESTED RIGHT 37-368B (930)		
09-11-2007	NOTICE SETTING INITIAL HEARING	1S	10-18-2007 0900
10-18-2007	HEARING HELD	HH	10-18-2007 0900
10-18-2007	MINUTES		
10-22-2007	NOTICE SETTING STATUS CONFERENCE	US	02-20-2008 1030
02-20-2008	HEARING HELD	HH	02-20-2008 1030
02-20-2008	MINUTES		
02-20-2008	ORAL MOTION TO WITHDRAW OBJECTION	MG	02-20-2008
02-20-2008	ORAL ORDER GRANTING MOTION TO WITHDRAW OBJ		
02-21-2008	ORDER DISMISSING OBJECTIONS		02-21-2008 0001
02-21-2008	WAIT TO ISSUE SMRR UNTIL ALL CASES COMPLETE		
02-21-2008	NOTICE SETTING STATUS CONFERENCE	US	06-25-2008 0130

[Return to SRBA Home Page](#)

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: **A37-00409B**
Date Received: 2/15/1990
Receipt No: X777777
Received By: OJC ALB

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: SMR DEVELOPMENT LC 208-376-6346
Address: 7878 USTICK ROAD
BOISE ID 83704

2. Date of Priority: APR 1, 1907

3. Source: THREEMILE CREEK, EAST FORK Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	13E	23	NE	NW	NE		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	0.350		

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

8. Total consumptive use is 124.8 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

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

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	50.0
					Total Acres	50.0

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:
A37-00368 & A37-02076

14. Remarks:

TRANS. 599

P/D GIVEN IN TRANSFER IS ON EAST FORK THREEMILE CR.; SEE USGS MAP
CHANGE IN P/U TO SHOW ACTUAL ARES IRRIGATED.

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

OWNERSHIP CHANGE ON A37-00409 RESULTED IN A SPLIT. THE "A"
PORTION BELONGS TO VM DIAMOND AND THE "B" PORTION BELONGS TO SMR
DEVELOPMENT. WARRANTY DEED AND MAP PROVIDED FOR PROOF.
TLB 3/5/97

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

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



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 acs of A37-00368 25 acres

0.35 acs of A37-00409 50 acres

0.10 acs of A37-02076 5 acres

50 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: 4/11/97 By: TAB

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.~~

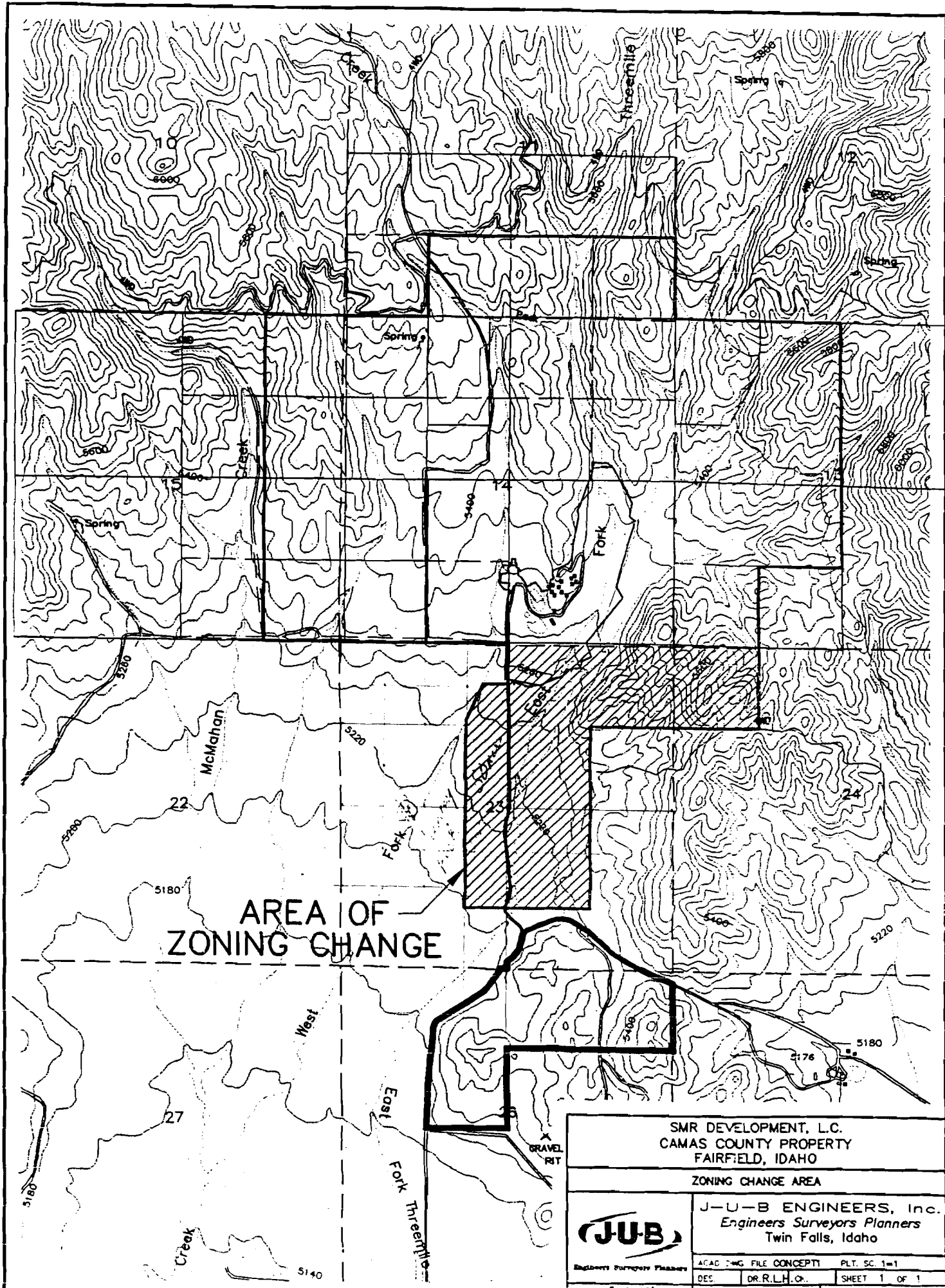
Road Easement dated July 14, 1987, executed by Darrell L. Burchard as Manager of Hidden Paradise Association, to Camas County, Idaho, for perpetual road easement and right-of-way over the SE1/4 of Section 23, Township 1 North, Range 13 East, Boise Meridian, recorded July 14, 1987 in Book 4 of Miscellaneous, 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 114.ROLLIE BENNETT
CAMAS COUNTY RECORDERBy [Signature]Fees \$ 15⁰⁰



SMR DEVELOPMENT, L.C. CAMAS COUNTY PROPERTY FAIRFIELD, IDAHO	
ZONING CHANGE AREA	
 Engineers Surveyors Planners	J-U-B ENGINEERS, Inc. Engineers Surveyors Planners Twin Falls, Idaho
	ACAD FILE CONCEPT PLT. SC. 1=1
	DES. DR. R.L.H. OR. SHEET 1 OF 1
	DATE JULY 1995 DWG. NO. T950711

SCALE 1"=2000'

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: A37-00409
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: APR 01, 1907

3. Source: THREEMILE CREEK, EAST FORK Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	13E	23	NE	NW	NE		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		
STOCKWATER	01/01	12/31	0.140		

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

8. Total consumptive use is 1145.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/500 RANGE

10. Place of Use:

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

A37-00409

Page 1

Date: 02/15/90

MICROFILMED
FEB 22 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01N	13E	23	NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			SE		SW		STOCK	
			NE		SE		STOCK	
							Section Acres	320.0
		26	NE		NW		IRR	3.0
			NE		NW		STOCK	
			NW		NW		IRR	35.0
			NW		NW		STOCK	
			SW		NW		IRR	20.0
			SW		NW		STOCK	
							Section Acres	58.0
		27	NE		NE		IRR	40.0
			SE		NE		IRR	40.0
							Section Acres	80.0
							Total Acres	458.0

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:
A37-00368 & A37-02076

14. Remarks:
TRANS. 599.
P/D GIVEN IN TRANSFER IS ON EAST FORK THREEMILE CR.; SEE USGS MAP
CHANGE IN P/U TO SHOW ACTUAL ACRES IRRIGATED.

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

MICHOJANER
FEB 22 1993

VS

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 Steve Baker of
Title

Helen Katherine Paus, that I have signed the foregoing
Organization

document in the space below as 2000-1-10 of Title

William Joseph Brown and that the statements contained in the
Organization
foregoing document are true and correct. Samuel J. Bush

Signature of Authorized Agent

U.S. Helen Papadine Kou
Title and Organization

2/15/90
Date

State of Idaho)
County of TF) SS.

Subscribed and sworn (or affirmed) before me this 15 day

of Feb. 19 90

Notary Public

Seal

Residing at

My Commission Expires

RECEIVED
FEB 22 1993