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25 2007

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

2007 JUN 22 AM 9 48

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

Subcase No. 37-21957

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

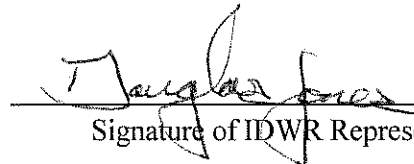
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 6-22-07


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 6/22, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707

2. Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

Smiths Prairie Land & Cattle Outfit LLC
533 Soscol Ave #100
Napa CA 94559



Signature of person or attorney mailing the form

05/16/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-21957

NAME AND ADDRESS: SMITHS PRAIRIE LAND & CATTLE OUTFIT LLC
533 SOSCOL AVE #100
NAPA CA 94559

SOURCE: CAMAS CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/01/1890

POINT OF

DIVERSION: T01S R15E S31 SESWNW Lot 2 Begin of Stream Flow Within CAMAS County

T01S R15E S31 NESENW End of Stream Flow Within CAMAS County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.020 CFS

PLACE OF USE:

STOCKWATER in CAMAS County

T01S R15E S31 Lot 2 SWNW

T01S R15E S31

SENW

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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 - Beneficial Use



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

SOUTHERN REGION

June 22, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
~~Interim~~ Director

SMITHS PRAIRIE LAND & CATTLE
533 SOSCOL AVE #100
NAPA CA 94559

RE: SRBA Claim(s) 37-21957

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosure

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

RECEIVED

MAY 14 2007

DEPT. OF WATER RESOURCES
SOUTHERN 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
	37-21957				

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)

4. New Owner/Claimant(s)

Victor M Smith Pamela Smith Jeanne Smith
 Name Connector (Check one): ☐ and, ☒ or, ☐ and/or

New Mailing Address

533 Soseol Ave #100

City, State and ZIP Code

Napa Ca 94559

New Telephone Number

(707) 2559582 - 2087643339

5. Date you acquired the property

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 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)

[Handwritten Signature] Owner Manager
[Handwritten Signature] Owner Manager
[Handwritten Signature] Manager

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 _____

OWNER'S POLICY OF TITLE INSURANCE

Issued by

Policy O
No 94469086

**UNITED GENERAL
TITLE INSURANCE COMPANY**

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, UNITED GENERAL TITLE INSURANCE COMPANY, a Louisiana corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company also will pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

This policy shall not be valid or binding until countersigned by either a duly authorized agent or representative of the Company and Schedule A and B have been attached hereto.

In Witness Whereof, United General Title Insurance Company has caused its corporate name to be hereunto affixed by its duly authorized officers as of Date of Policy shown in Schedule A.

UNITED GENERAL TITLE INSURANCE COMPANY

Richard H. Himes Jr.

President



Phurup E. Anderson

Secretary

Countersigned

Nancy Leland
Authorized Officer or Agent

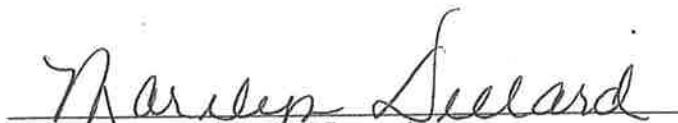
UNITED GENERAL TITLE INSURANCE COMPANY OWNER'S POLICY

SCHEDULE A

Policy No.:	Effective Date of Policy:	Premium:	Amount of Insurance:
94469086	December 18, 1995		
Commitment No.:	Simultaneous Issue with:	Reissue of Policy No.:	Reissue Policy Amount of Insurance
6700		Company Name: CAMAS COUNTY TITLE, INC.	

1. Name of Insured: SMITH'S PRAIRIE LAND & CATTLE OUTFIT, L.L.C. an Idaho Limited Liability Company.
2. The estate or interest in the land described in this Schedule and which is covered by this policy is: FEE SIMPLE
3. Title to the estate or interest in the land is vested in: SMITH'S PRAIRIE LAND & CATTLE OUTFIT, L.L.C. an Idaho Limited Liability Company.
4. The land referred to in this policy is situated in the State of IDAHO and is described as follows or in Schedule C.

"SEE SCHEDULE C."


Authorized Countersignature

Valid only if attached to ALTA Owner's POLICY and Schedule B of United General Title Insurance Company.

**UNITED GENERAL TITLE INSURANCE COMPANY
OWNER'S POLICY**

**SCHEDULE B
EXCEPTIONS FROM COVERAGE**

Policy No.: 94469086

This policy does not insure against loss or damage and the Company will not pay costs, attorneys' fees or expenses which arise by reason of:

1. The lien of the General Taxes for the year 19 96 and thereafter which are not yet due and payable.
2. Any lien, or right to lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public record.
3. Rights or claims of parties in possession not shown by the public records.
4. Discrepancies, conflicts in boundary lines, encroachments, easements, variations in area or content, party walls and/or any facts that a correct survey and/or physical inspection of the premises would disclose.
5. Except right of way conveyed to the State of Idaho by Deed dated June 30, 1954, recorded in Book 19 Deeds, page 239 described as follows: A strip of land being all the portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 1 South, Range 15 East, Boise Meridian, that lies Easterly of a line drawn parallel with and distance 50.0 Westerly from the following described center line of highway as surveyed and shown on the official plat of the Gooding-Fairfield s-2779(2) Highway Survey on file in the office of the Department of Highways State of Idaho. Beginning at Station 1495-95 of said Highway Survey, which station is a point on curve approximately 29.0 feet East and 884.0 feet South from the East quarter corner of Section 30, Township 1 South, Range 15 East, Boise Meridian, thence 733.7 feet with a 10° 00' curve right, said curve having a center angle of 28° 49' 30" to Station 1503-18.7 back equals 1503-11.2 ahead which station is a point on tangent; thence North 0° 12' 30" West on tangent 156.8 feet to station 1504-68 which Station is a point on tangent approximately 1700 feet West from the East quarter corner of Section 30, Township 1 South, Range 15 East, Boise Meridian. Excepting that portion already dedicated by public use or otherwise as a public road. New right of way required being approximately 0.68 acres of the 1.09 acres above described. Grantor agree that no buildings or structures, except irrigation or drainage structures will be permitted to be constructed within 20 feet of the real property above described. Grantors further agree that no bill boards or other advertising signs will be permitted closer that 100 feet from the real property above described, excepting signs pertaining to business on lands adjacent to the described real property.
6. Except right of way conveyed to the County of Camas by Deed recorded in Book 20 Deeds, page 33 records of Camas county, Idaho described as follows: the right to enter upon the hereinafter described land and grade, level, fill, pave, build, maintain, repair and build or rebuild a road of highway, together with such bridged, culverts, ramps, and cuts as may be necessary, on over or across the ground embraced within the right of way hereinafter described. Sand land in a Seven (7) to a nine (9) foot strip running along the Section line common to Sections 30 and 31, Township 1 South, Range 15 E.B.M., in on or about, the South $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 30.

SCHEDULE B. CON'T.

Valid only if attached to ALTA Owner's POLICY of United General Title Insurance Company.

**UNITED GENERAL TITLE INSURANCE COMPANY
SCHEDULE B CON'T.**

POLICY NO. 94469086

7. Real Estate Mortgage, dated December 15, 1995, executed by Smith's Prairie Land & Cattle Outfit, L.L.C., an Idaho Limited Liability Company to The Packham Trust, to secure the payment of \$10 together with interest and any other obligations secured thereby, recorded December 18, 1995 at 4:30 P.M, in book 23 Mortgages, page 470, as Recorder's instrument No. 69663, records of Camas County, Idaho.

END SCHEDULE B.

UNITED GENERAL TITLE INSURANCE COMPANY

POLICY NO. 94469086

The land referred to in the Policy is described below.

Township 1 South, Range 15 East, Boise Meridian, Camas County, Idaho.

Section 30: Lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$.

Section 31: Lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$ EXCEPT a Parcel of land in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ described as follows:

Beginning at the Northeast corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, thence;
South of the East boundary of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, 360.0 feet to a
point; thence
West and parallel with the North boundary of Section 31, 200.0 feet to a
point; thence;
North and parallel with the East boundary of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31,
360.0 feet to a point, thence;
East on the North boundary of Section 31, 200.0 feet to the point of
Beginning.

END SCHEDULE C.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

SOUTHERN REGION

April 26, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

SMITHS PRAIRIE LAND & CATTLE
533 SOSCOL AVE #100
NAPA CA 94559

RE: OWNERSHIP CHANGE FOR ADJUDICATION CLAIM 37-21957

Dear Mr. Smith:

The Department has been notified that you are the current owner of the property to which the above adjudication claim is appurtenant. In order for you to be listed as current owner of the water right it is necessary for you to complete the enclosed Notice of Change of Water Right Ownership form. Please complete it per the instructions (pages 3 and 4), include the required information listed under item 2 and return everything to me by **May 15, 2007**. Once this packet is received, the changes will be made to our records, and you will be sent confirmation that the change has been completed.

Thank you for your prompt attention to this matter and should you have any questions please feel free to contact me.

Sincerely,



Trish Fawcett
Technical Records Specialist

Enclosures