

This Map is attached solely for the purpose of assisting in locating the land and the Company assumes no liability for variations, if any.

7275

ARB 8
#PCD4325
P.I

7300

T 6

I-84N R/W
0.301 ACRES
INST.NO. 871266

INST. NO. 868623
I-84N R/W
0.042 ACRES

RIVER

4N 3W S-16 Lot 8 NESE

Map showing sections 8 through 23, including the Boise River, Caldwell, and various survey lines with bearings and distances.

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: A63-19760
Date Received: 12/01/1989
Receipt No: 6013120
Received By: RAV

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALMA C. WAGNER 208-459-8019
Address: 21445 CHICAGO ST.
CALDWELL, ID 83605

2. Date of Priority: APR 01, 1930

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	03W	16	SE	NE	SE		CANYON

5. Description of diverting works:
ARTESIAN WELL, APPROX. 200' DEEP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC ONE HOUSE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	03W	16	NE	SE		DOMEST	

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

BOISE RIVER WATER USED ON LAWN AND CROPS

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): X Alma C. Wagner Date: X Dec. 1 1989

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 1st day
of December 19 89

Helen Harrington
Notary Public

Seal

Residing at Helen Harrington, Notary Public
My Commission Residing at Boise, Idaho
My Commission Expires December 1, 1994

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 63-19760

NAME & ADDRESS: SCOTT T SMITH
REBECCA J SMITH
21445 CHICAGO ST
CALDWELL ID 83605

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 04/01/1930

POINT OF DIVERSION: T04N R03W S16 SENESE Within CANYON County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within CANYON County
T04N R03W S16 NESE

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.EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. 1R34958-000-0

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) NOTICE OF COMPLETED
) ADMINISTRATIVE PROCEEDINGS
)
) Water Right 63-19760
)

IDWR has completed the following Administrative Proceeding:

☐ Change of Address
☒ Substitution of Party
☐ I.C. 42-222 Transfer

SUBSTITUTION OF PARTY

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

If yes, does the split involve an I.C. 42-222 transfer? ☐ Yes ☐ No

Water Right(s): 63-19760

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
12/30/1999

63-19760

PAGE 1

From (Claimant/Seller):

Name of Claimant: ALMA C WAGNER
Address: 21445 CHICAGO ST
CALDWELL ID 83605
Phone: (208) 459-8019

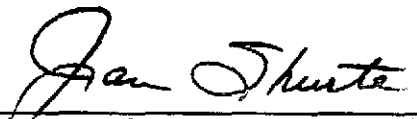
To (Claimant/Purchaser):

Name of Claimant: SCOTT T SMITH
REBECCA J SMITH
Address: 21445 CHICAGO ST
CALDWELL ID 83605
Phone: (208) 454-2082

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 Transfer and Amended Director's Reports(s) on the claimant(s), prior claimants(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: December 30, 1999



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on December 30, 1999 I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

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:
Claimant/Seller for Substitution of Party or attorney of record:

ALMA C WAGNER
21445 CHICAGO ST
CALDWELL ID 83605
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:

SCOTT T SMITH
REBECCA J SMITH
21445 CHICAGO ST
CALDWELL ID 83605
4. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
5. One Copy to:
United States Dept. of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724

Dennis Buffington
Signature of person or attorney mailing the form

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

RECEIVED

FEB 01 1999

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

1. Water Right or Adjudication Claim No(s): 63-19760

2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - AND**
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
 - OR**
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant ALMA C. WAGNER
21445 CHICAGO STREET CALDWELL, IDAHO 83605

4. New Owner/Claimant(s) SCOTT T. Smith and Rebecca J. Smith
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
 New Mailing Address 21445 CHICAGO STREET
 City, State and ZIP Code CALDWELL, IDAHO 83605
 New Telephone Number 208) 454-2082

5. Date you acquired the property 01/14/1992

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
 Number of acres you irrigate _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes _____ Other uses _____
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) Scott T. Smith
Rebecca J. Smith

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign this form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at **Item 1**. If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at **Item 3**.
4. The name, mailing address, and telephone number of the new owner(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at **Item 6**.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

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

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

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 769-1450

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

INSTRUMENT NO. 9200962

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, made by THEODORE WAGNER, as Personal Representative of the Estate of ALMA C. WAGNER, Deceased, Grantor, to SCOTT T. SMITH and REBECCA J. SMITH, Husband and Wife, Grantees, whose address is P O Box 565, Payette, ID 83661

WHEREAS, Grantor is the qualified Personal Representative of said Estate, filed as Probate Number SP-91-01581, in Canyon County, Idaho;

THEREFORE, for valuable consideration received, Grantor sells and conveys to Grantee the following described real property in Canyon County, Idaho:

SEE EXHIBIT "A" ATTACHED HERETO

with all appurtenances, it any.

EXECUTED this 14th day of Jan. 1992
~~December, 1991.~~

Theodore R Wagner
Personal Representative of the
Estate of ALMA C. WAGNER,
Deceased

STATE OF IDAHO)
COUNTY OF Canyon) SS:

On the 14th day of Jan. 1992
~~December, 1991~~, before me, a Notary Public, personally appeared THEODORE WAGNER, known or identified to me to be the person whose name is subscribed to the within instrument, as Personal Representative of the Estate of ALMA C. WAGNER, and acknowledged to me that he executed the same as such Personal Representative.

Carrie Evans
Notary Public for Idaho
Residing at: Hamper
My Commission Expires: 8/19/95

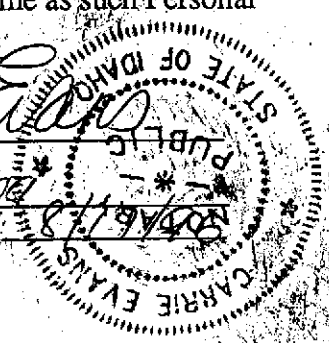


EXHIBIT "A"

✓ A part of Government Lot 8, which is in the East Half of the Southeast Quarter of Section 16, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described, to-wit:

COMMENCING at the East Quarter corner of Section 16, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho; thence

South $0^{\circ} 17'$ West 772.75 feet along the East line of the said Government Lot 8 to the INITIAL POINT of this description; thence continue

South $0^{\circ} 17'$ West 508.07 feet; thence

South $77^{\circ} 56' 20''$ West 119.10 feet (formerly South 78° West); thence

North $0^{\circ} 17'$ East 453.43 feet parallel to the said East line to a point on the Southerly bank of the Boise River Slough; thence

North $39^{\circ} 42'$ East 103.68 feet along the said Southerly bank; thence

South $89^{\circ} 43'$ East 50.51 feet to the INITIAL POINT of this description.

AND ALSO

A part of Government Lot 9, which is a part of the Southwest Quarter of Section 15, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described, to-wit:

COMMENCING at the West Quarter corner of Section 15, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho; thence

South $0^{\circ} 17'$ West 660.82 feet along the West line of the said Section 15 to a meander corner monument; thence continue

South $0^{\circ} 17'$ West 620 feet to the INITIAL POINT of this description; thence

North $0^{\circ} 17'$ East 158.60 feet along the said West line; thence

South $88^{\circ} 47'$ East 15.60 feet; thence

South $7^{\circ} 14'$ East 153.83 feet; thence

South $81^{\circ} 00'$ West 36.20 feet to the INITIAL POINT of this description.

EXCEPTING THEREFROM

A parcel of land being on the Northerly side of the centerline of the Frontage Road No. 2 Survey as shown on the plans of Interstate 80N, Project No. I-80N-1(67)27 Highway Survey now on file in the office of the Idaho Transportation Department, Division of Highways, and being a portion of Government Lot 9 of Section 15 and Government Lot 8 of Section 16, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, described as follows, to-wit:

COMMENCING at the West Quarter corner of Section 15, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho; thence

South $0^{\circ} 17'$ West along the West line of said Section 15 a distance of 1,280.82 feet to the Southwest corner of the tract of land as described in that certain Quitclaim Deed dated April 5, 1974, recorded April 26, 1974 as Instrument No. 727900, records of Canyon County,

(continued)

Idaho, and being the REAL PLACE OF BEGINNING; thence

North 78° 14' 14" East (shown of record to be North 81° 00' East) along the South line of said tract of land 36.20 feet to the Southeast corner of said tract of land; thence

North 6° 37' 24" West (shown of record to be North 7° 14' West) along the Easterly line of said tract of land 20 feet, more or less, to a point in a line parallel with and 25 feet Northerly from the centerline and bears

North 9° 38' 59" West from Station 41+03.80 of the Frontage Road No. 2 Survey as shown on the plans of said Interstate 80N, Project No. I-80N-1(67)27 Highway Survey; thence along said parallel line as follows:

Westerly along a 5,754.58-foot radius curve left 121.36 feet to a point opposite Station 42+24.63 of said Frontage Road No. 2 Survey;

South 79° 08' 31" West 36 feet, more or less, to a point in the Easterly line of the tract of land as described in that certain Warranty Deed dated May 23, 1974, recorded May 24, 1974 as Instrument No. 729951, records of said Canyon County; thence

South 0° 53' 36" West (shown of record to be South 0° 17' West) along said Easterly line 15 feet, more or less, to a point in the Northerly line of the tract of land as described in that certain Warranty Deed dated September 15, 1959, recorded as Instrument No. 477726, records of said Canyon County; thence

North 78° 14' 14" East (shown of record to be North 78° 00' East) along said Northerly line 121 feet, more or less, to the REAL PLACE OF BEGINNING.

Frontage Road No. 2 Survey Station Reference: 41+03.80 to 42+60.

The bearings as shown in the above land description, unless otherwise noted, are from the Idaho Plane Coordinate System, based on the transverse mercator projection for the West Zone of Idaho.

9200982

RECORDED

'92 JAN 15 ' PM 4 16

NED J. KERR

CANYON CNTY RECORDER

BY

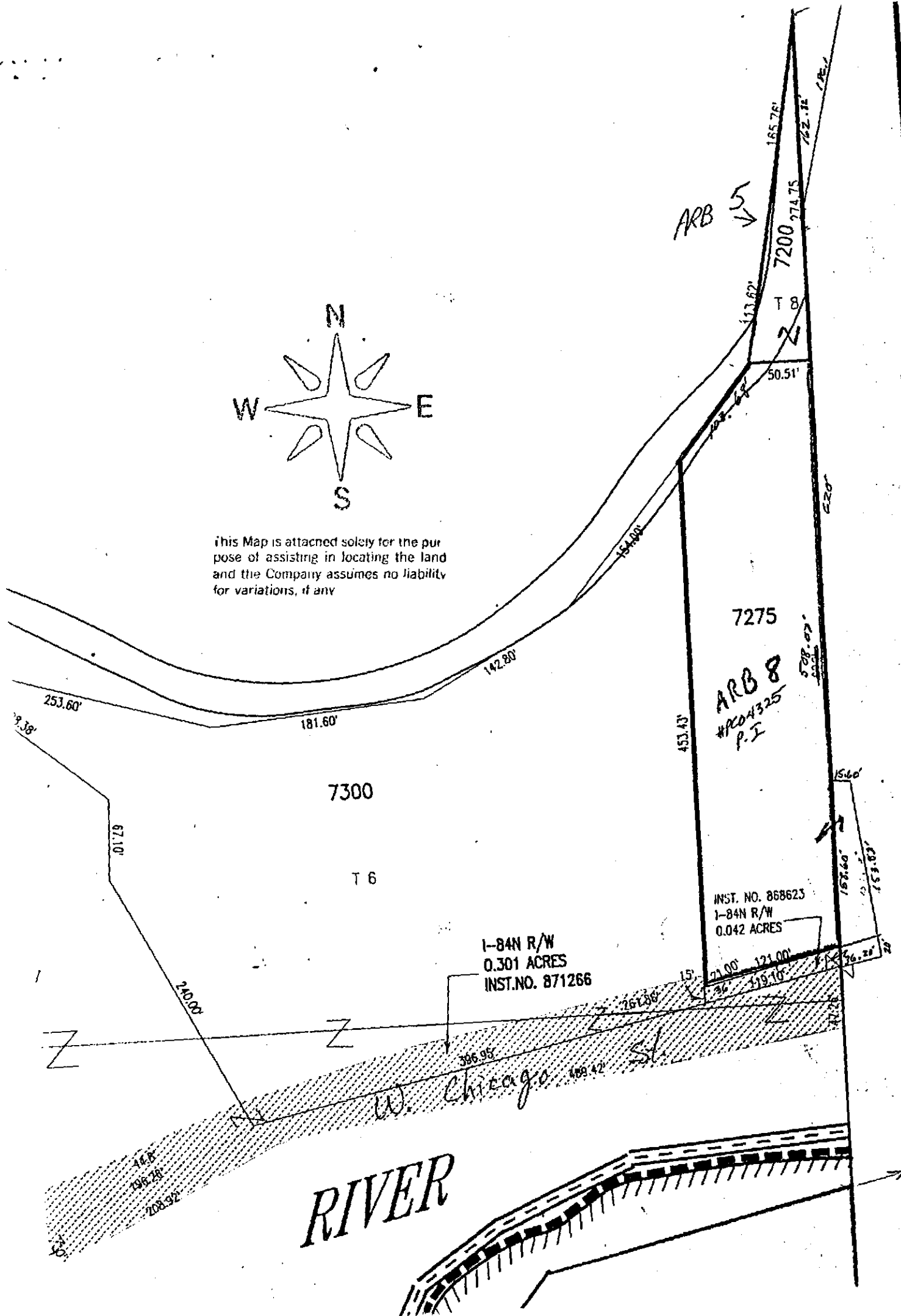
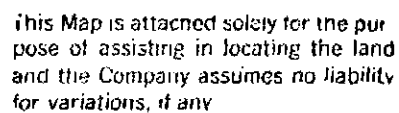
PIONEER - CALDWELL

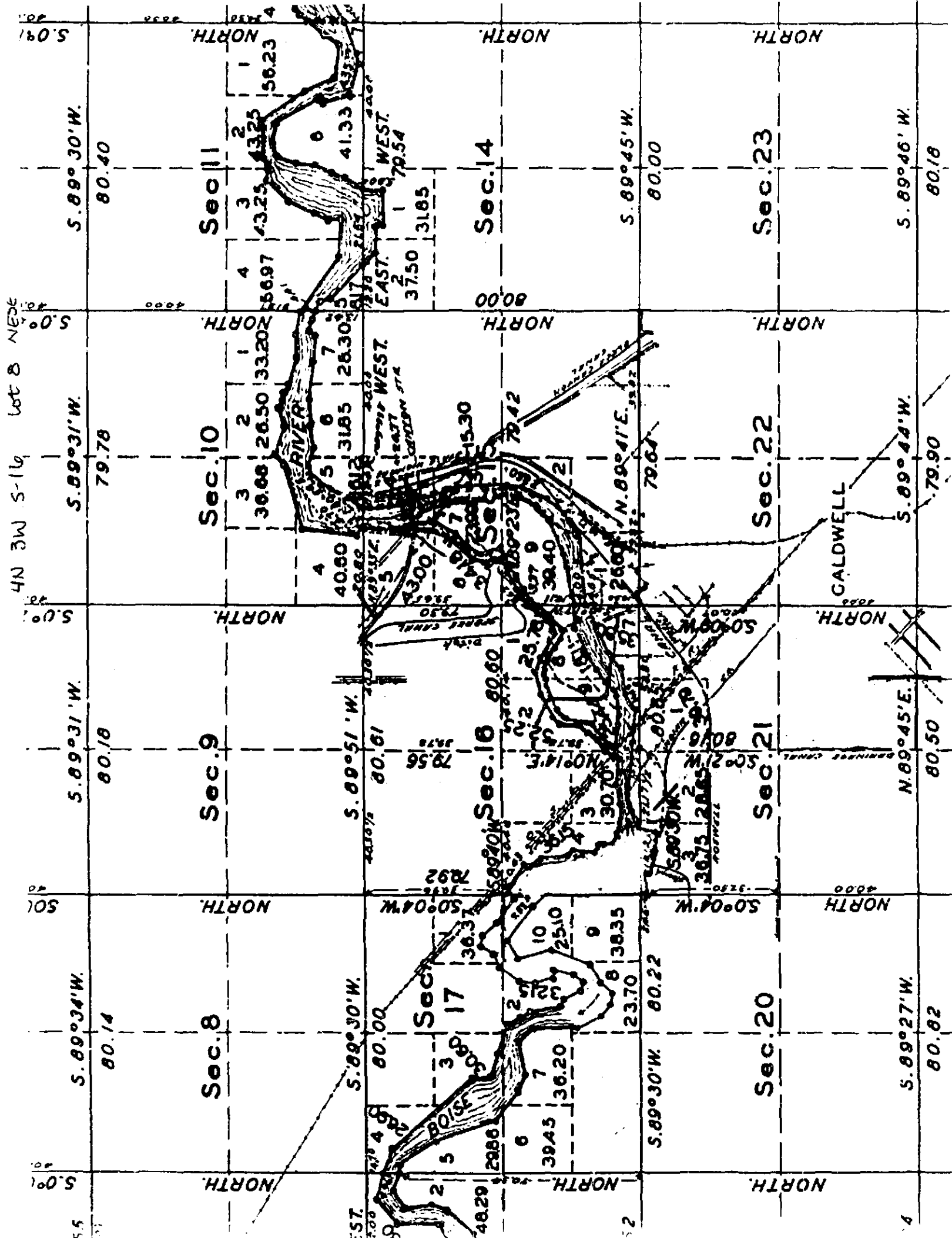
REQUEST

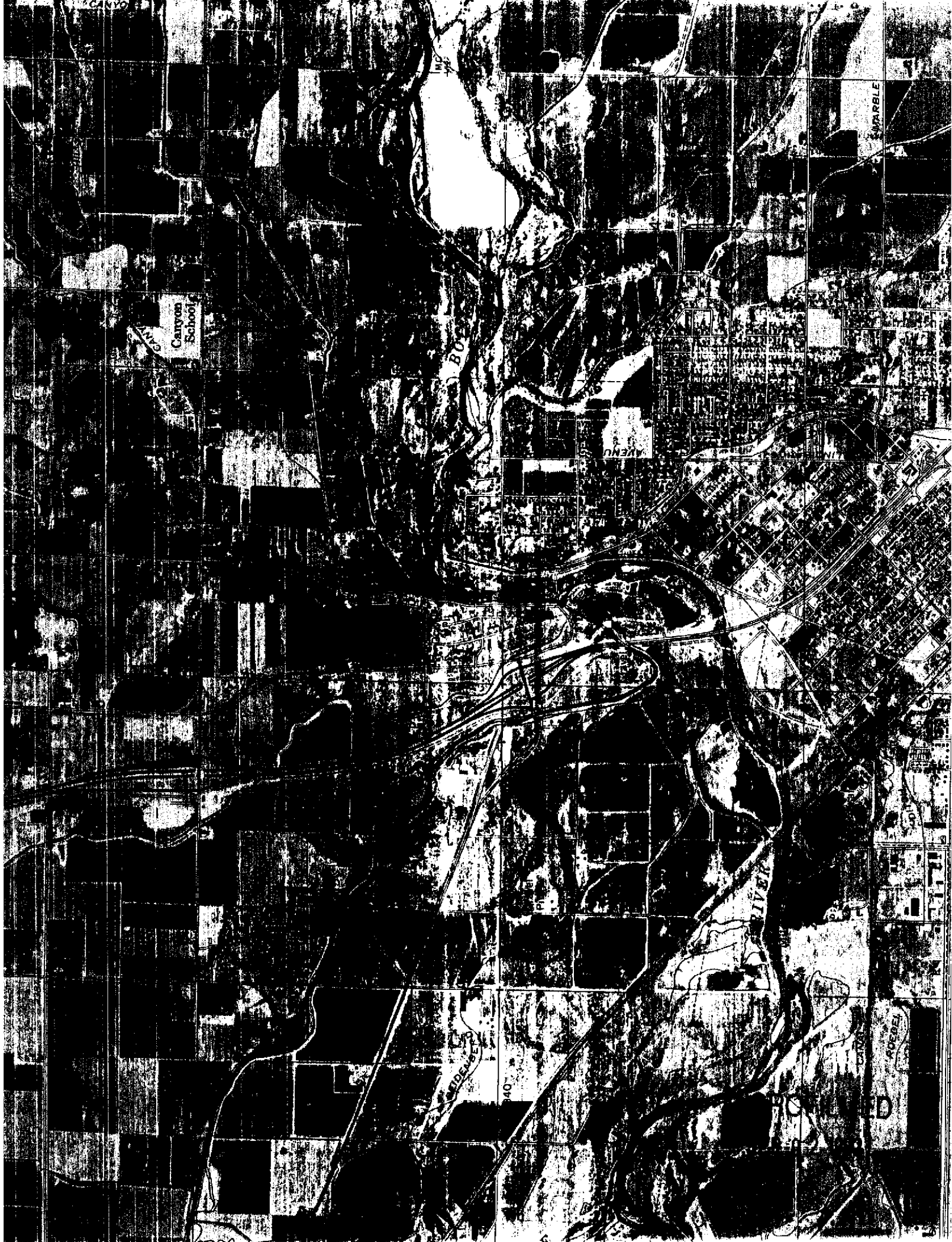
TYPE

FEE

9.00







DATE: 12/28/99
PAGE: 1

Field Inspection Flag:
Presumption Flag:

AJ0749NP
No. 63-19760

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 12/28/99
PAGE: 2

Comments: Date: 12/28/1999 User-ID: DBUFFING Subject: NAME CHANGE - OWNERSHIP CHANGE
THE DATA IN THE NAME FIELD WAS CHANGED TO SHOW THIS RIGHT HAS AN
OWNERSHIP CHANGE.

Audit: 12/28/99 DBUFFING



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 30, 1999

SCOTT T SMITH
REBECCA J SMITH
21445 CHICAGO ST
CALDWELL ID 83605

RE: Water Right No. 63-19760

Dear Property Owners:

Enclosed is a copy of the above referenced water right which reflects the change in ownership of the land and appurtenant water rights covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings which has been sent to the Snake River Basin Court as notification of the change.

Thank you for your patience and cooperation. If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region

DB:db

Enclosures

cc: Alma C Wagner

* - - AUDIT FIELDS - 12/01/89 HARRINGT

- COMMENTS -

NO COMMENTS FOUND

ADJUDICATION RIGHTS DATES AND FLAGS AREA

COURT REPORT FILING	-	00/00/0000	FIELD INSPECTION MADE	-	00/00/0000	CIVIL CASE NUMBER	-	39576
OBJECTION FILED DATE	-	00/00/0000	FIELD INSPECTION FLAG	-		OLD CASE NUMBER	-	
RESPONSE FILED DATE	-	00/00/0000	VERIFIED DATE	-	00/00/0000	OLD JUDICIAL DISTRICT	-	
CLAIM RECEIVED DATE	-	12/01/1989	LAST AMENDED DATE	-	00/00/0000	TEMPORARY RIGHT	-	P
PROOF DUE DATE	-	00/00/0000	PROOF MADE DATE	-	00/00/0000	WATER DISTRICT	-	
LICENSED DATE	-	00/00/0000	RECEIPT NUMBER	-	C013120	FEDERAL/STATE INDICATOR	-	S
CLAIMS TAPE ERROR FLG	-		POU OWNERSHIP FLAG	-	Y	PRESUMPTION FLAG	-	
FEE EXEMPT FLAG	-		NAME CONNECTOR	-				

1R34958-000-0

WATER EXAMINER

"Verified By"
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
- County Records
Witness Statement
Project Records
IDWR Records

JUL - 1991