

RECEIVED
SEP 27 2006
Department of Water Resources
Adjudication Bureau

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

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
79-14100					

2. The following **REQUIRED** information must be submitted with this form:

A. ~~The appropriate PLAT & DEED. See instructions for requirements.~~

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)

HOWARD + WILMA SMITH (deceased) *Larry J. Smith*
PO BOX 403, RIGGINS, ID 83549 *Representative*

4. New Owner/Claimant(s)

MARTHA and LAWRENCE M. STOLBERG (married couple)
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

P.O. BOX 239

City, State and ZIP Code

RIGGINS, ID 83549

New Telephone Number

(208) 628-4219

5. Date you acquired the property

June 30, 2005

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

Martha Stolberg
Stolberg **SCANNED**
SEP 27 2006

Ownership change
processed 09-10-2006

442415

WATER RIGHTS
79-14100

STATE of IDAHO	
County of Idaho	
Recorded at request of	
IDAHO COUNTY REC'D	
at 4:00 P.M.	on 7-1-05
ROSE E. GEHRING	
By <i>Bette J. Stolberg</i>	Recorder
Fees \$ 9.00	Deputy

PERSONAL REPRESENTATIVE'S DEED

m/p4

LARRY J. SMITH, as Personal Representatives of the Estates of Howard P. Smith and Wilma Lorene Smith, husband and wife, Deceased, which estates are being probated as Case No. CV-34825 of the Second Judicial District of the State of Idaho, in and for the County of Idaho, hereinafter referred to as Grantor, does hereby transfer, convey, and assign unto Lawrence ^{m.} Stolberg and Martha J. Stolberg, as the Trustees for the Stolberg Family Trust dated the 27th day of May, 1998, whose address is P.O. Box 8322, Fresno, CA 93747, all of the said estate's and the said decedent's right, title and interest in and to the following described real property, to-wit:

A. A parcel of land sometimes referred to as the Idaho County Assessor's Tax No. 158, situate in Lot Seven (7) of Section Three (3), Township 24 North, Range One (1) East of the Boise Meridian, Idaho County, Idaho, more particularly described as follows:

Commencing at the meander corner of said Section Three (3) and Ten (10), thence North 89° 28.9' West, 390.1 feet along the section line common to said Sections Three (3) and Ten (10) to the westerly right-of-way line of U.S. Highway No. 95; thence North 22° 03' East, 321.59 feet along said right-of-way; thence North 77° 25.8' West, 115.33 feet to the real point of beginning;

Thence North 77° 25.8' West, 100.00 feet; North 19° 08.2' East, 49.80 feet; thence North 79° 10.9' West, 64.34 feet; thence North 6° 47.0' East, 25.00 feet; thence South 79° 10.9' East, 69.75 feet; thence South 77° 25.8' East, 100.00 feet; thence South 19° 08.2' West, 75.00 feet to the real point of beginning;

AND

B. A parcel of land, sometimes referred to as the Idaho County Assessor's Tax No. 159, situate in Lot Seven (7), Section Three (3), Township 24

[Handwritten signature]

North, Range One (1) East of the Boise Meridian, Idaho County, Idaho, more particularly described as follows:

Commencing at the meander corner common to said Sections Three (3) and Ten (10); thence North 89° 28.9' West, 390.10 feet along the section line common to said Sections Three (3) and Ten (10) to the westerly right-of-way line of U.S. Highway No. 95; thence North 22° 03' East, 321.59 feet along said right-of-way; thence North 77° 25.8' West, 215.33 feet to the real point of beginning: thence North 38° 24.4' West, 75.45 feet; thence South 79° 10.9' East, 64.34 feet; thence South 19° 08.2' West, 49.80 feet to the real point of beginning.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the Grantees, their successors and assigns forever, subject to:

- (1) General taxes for the year 2005;
- (2) Reservations in Patent, including the terms and conditions thereof, by and between United States of America and George E. Boodry, recorded with the Office of the Idaho County Recorder as Instrument No. 92557, Book 58, page 406 on the 25th day of April, 1930;
- (3) An Easement, including the terms and conditions thereof, by and between George E. Boodry and Pacific Telephone and Telegraph Company, a California corporation, recorded with the Office of the Idaho County Recorder as Instrument No. 95314, Book 59, page 324, on the 6th day of April 1931;
- (4) A Power Line Easement, including the terms and conditions thereof, by and between B. M. Spickelmire and Hazel J. Spickelmire and Idaho Power Company, a corporation, recorded with the Office of the Idaho County Recorder as Instrument No. 214216, Book 100, page 139, on the 20th day of December, 1963;
- (5) An easement contained in a Quitclaim Deed, by and between Richard Spicklemire and Hazel Spicklemire, husband and wife; and Donald E. Comstock and Lois E. Comstock, husband and wife; Howard Smith and Wilma Smith, husband and wife; Patrick L. Marek and Shariann Marek, husband and wife; Donald Earl Hagen and Marie L. Hagen, husband and wife; and Gary C. Swift and Lynda L. Swift, husband and wife, recorded with the Office of the Idaho County Recorder as Instrument No. 279382, on the 14th day of June, 1979;
- (6) A reservation of easement contained in a Warranty Deed, by and between Richard Spicklemire and Hazel Spicklemire, husband and wife, and Howard P. Smith and Wilma Smith, husband and wife, recorded with the Office of the Idaho County Recorder as Instrument No. 279433 on the 15th day of June, 1979; and

(7) the terms and conditions in road Closure and Maintenance Agreement, by and between Idaho Transportation Department and Idaho County, recorded with the Office of the Idaho County Recorder as Instrument No. 380419 on the 31st day of May 1995,

(8) any and all restrictions or limitations, whether known or unknown, appertaining to ingress, egress and access to and from said parcels of land.

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand this 29
day of JUNE, 2005.

Larry J. Smith
LARRY J. SMITH, Personal
Representative of the Estates of Howard P.
Smith and Wilma Lorene Smith, husband
and wife, Deceased.

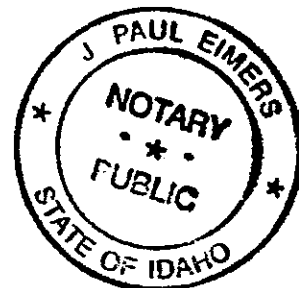
STATE OF IDAHO)
County of Idaho) ss.

On this 29th day of June, 2005, before me, the undersigned, a Notary Public for the State of Idaho, personally appeared LARRY J. SMITH, known or identified by me to be the person whose name is subscribed to the within instrument as the Personal Representative of the Estates of Howard P. Smith and Wilma Lorene Smith, husband and wife, Deceased, and acknowledged to me that he executed the same as such Personal Representative of said estate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed me official seal on the day and year last above written

J. Paul Eimers
Notary Public for the State of Idaho, residing at
Grangeville, Idaho.

My Commission Expires: ~~10-22-10~~
6-24-2011



[Handwritten initials]

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: September 22, 2006

Water right number: 79-14100

~~HOWARD SMITH~~

~~PO BOX 272~~

~~NEW MEADOWS ID 83654~~

~~Telephone Number: (208) 347-2242~~

LARRY SMITH

PO Box 403

RIGGINS, ID 83549

New Owners
Martha J. STOLBERG and/or
Lawrence M. Stolberg
PO Box 239, Riggins, ID
83549

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: Sept 15, 2006 SIGNATURE: Martha J. Stolberg

Please print your name: MARTHA J. STOLBERG

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, (208) 287-4800

SIGNATURE: L. Stolberg

PRINT :

LAWRENCE M. STOLBERG

07/26/2006

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

RIGHT NUMBER: 79-14100
NAME AND ADDRESS: HOWARD SMITH
PO BOX 272
NEW MEADOWS ID 83654
SOURCE: RACE CREEK TRIBUTARY: SALMON RIVER
QUANTITY: 0.030 CFS
The quantity of water under this right shall not exceed 13,000 gallons per day.
PRIORITY DATE: 03/06/1928
POINT OF DIVERSION:
T24N R01E S10 NENW Within IDAHO County
PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	03/15 11/30	0.030 CFS

PLACE OF USE: DOMESTIC Within IDAHO County
T24N R01E S03 Lot 7 SESE

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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 79-14100
Date Received: 7/12/1988
Receipt No: C001798
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

HOWARD SMITH Phone: (208)347-2242
PO BOX 272
NEW MEADOWS ID USA 83654

2. Date of Priority: 01/01/1890

3. Source: RACE CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
24N	01E	10	NW NW	IDAHO	

5. Description of diverting works:

Diversion dam w/gravity flow ditch to place of use.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/30	0.03	

7. Total Quantity Appropriated is:
0.03 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
24N	01E	10	NW	NE	IRRIGATION	1
					Section Acres	1
					Total Acres	1

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:

14. Remarks:

This claim is the result of a split for a portion of 78-04104. DB 5/9/2001

This claim has been renumbered to Basin 79, in was incorrectly numbered as 78-12133.

15. Basis of Claim: Beneficial Use

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 78-12133
Date Received: 5/9/01
Receipt No:
Received By:

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

1. Name of Claimant(s): HOWARD SMITH Phone: (208)347-2242
PO BOX 272
NEW MEADOWS ID USA 83654

2. Date of Priority: 01/01/1890

3. Source: RACE CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
24N	01E	10	NW NW	IDAHO	

5. Description of diverting works:

DIVERSION DAM W/GRAVITY FLOW DITCH TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/30	0.03	

7. Total Quantity Appropriated is:
0.03 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
24N	01E	10	NW NE		IRRIGATION	1
Section Acres						1
Total Acres						1

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:

14. Remarks:

This claim is the result of a split for a portion of 78-04104. DB 5/9/2001

15. Basis of Claim: Beneficial Use

Memo to go in each of
these folders.

78-04104

78-12132

Swift

(See) 10 NWNE 1
.03cf2

Smith 78-12133

(See) 10 NWNE 1 acre
.03cf5

P.D.U. will need to be field examined

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: A78-04104
Date Received: 7/12/1988
Receipt No: C001798
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name:	PAT MAREK	208-347-2242
Address:	PO BOX 272	
	NEW MEADOWS ID	83654
OR		
Name:	ED SEYFRIED	208-347-2242
Address:	PO BOX 272	
	NEW MEADOWS ID	83654
OR		
Name:	HOWARD SMITH	208-347-2242
Address:	PO BOX 272	
	NEW MEADOWS ID	83654
OR		
Name:	ROLAND HAMELL	208-347-2242
Address:	PO BOX 272	
	NEW MEADOWS ID	83654
OR		
Name:	RM SPICKELMIRE	208-347-2242
Address:	PO BOX S	
	NEW MEADOWS ID	83654
OR		
Name:	GARY SWIFT	208-347-2242
Address:	PO BOX S	
	NEW MEADOWS ID	83654
OR		
Name:	MR HAGEN	208-347-2242
Address:	PO BOX 272	
	NEW MEADOWS ID	83654

2. Date of Priority: JAN 1, 1890

3. Source: RACE CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
24N	01E	10	NW	NW			IDAHO

5. Description of diverting works:

DIVERSION DAM W/GRAVITY FLOW DITCH TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/30	0.400		

7. Total Quantity Appropriated is:

0.400 C.F.S. (and/or) 60.00 A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	01E	3	SE	SE		IRR	9.0
						Section Acres	9.0
		10	NW	NE		IRR	8.0
			NE	NW		IRR	3.0
						Section Acres	11.0
						Total Acres	20.0

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:

NONE

14. Remarks:

SEE RT. 79-4127.

ADDRESS CHANGE BY CLAIMANT LETTER. SS 1/15/99

15. Basis of Claim: BENEFICIAL USE