

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 63-32801
Date Received: 3/5/1990
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SAM H SMYSER Phone: (208)722-5713
28403 WAMSTAD RD
PARMA ID USA 83660

2. Date of Priority: 06/01/1878

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
05N	05W	22	NW	NE	SW	CANYON	

5. Description of diverting works:

DIV.DAM IN RIVER W/HEADGATE & GRAVITY DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	1.49	

7. Total Quantity Appropriated is:
1.49 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
05N	05W	8	SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
			SE	SW	IRRIGATION	15
					Section Acres	95
					Total Acres	95

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:

14. Remarks:

This right is a split from former right 63-203A.

P/D TRANSFERRED BY TRANSFER # 103 TO THAT CLAIMED HERE.

THIS IS A RIGHT SPLIT FROM THE PARENT RIGHT FOR THE PORTION OF THE ORIGINALLY DECREEED LANDS OWNED BY THE CLAIMANT.

This right is a split from former right 63-32370 .

15. Basis of Claim: Decreed

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 (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
63-32370		✓			
63-32372		✓			

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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. 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 or equivalent **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)

Samuel H. Smyser
25435 Lon Davis Rd Parma ID

4. New Owner/Claimant(s)

ANTHONY AND REBECCA HARDY
 Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

7934 BLUE GRAY Circle

City, State and ZIP Code

MANASSAS, VA 20109

New Telephone Number

(703) 257-7275

RECEIVED

JUL 16 2007

WATER RESOURCES
 WESTERN REGION

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 line 1, then skip this line and go to line 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 (you may copy this page, if 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.

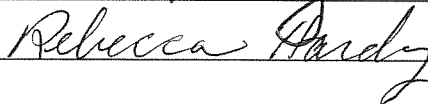
DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number <u>63-32370</u>		
Irrigation	<u>1.75 Cubic Ft. per second</u>	<u>16.44</u>
Stock	<u>~~.70 Cubic Ft. per second~~</u>	<u>~~16.44~~</u>
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number <u>63-32372</u>		
Irrigation	<u>.70 Cubic Ft. Per Second</u>	<u>16.44</u>
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

7. Signature(s) of New Owner(s) or Claimant(s) _____



(title if applicable)



(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by [Signature]Date 7-16-07Receipt Amt. N/A

Received by _____

Date _____

Receipt No. _____

Processed by [Signature] AJDate 7-26-07

WR _____ Date _____



610 South Kimball Avenue / Caldwell, Idaho
83605 / (208) 459-1651

2007000565
RECORDED
2007 JAN 3 PM 12 12
CANYON COUNTY RECORDER
BY *Me*
Deed
6-

200613754

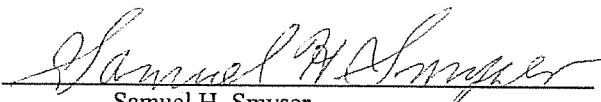
WARRANTY DEED

For Value Received **Samuel H. Smyser, aka Sam H. Smyser, an unmarried man**
hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto
Anthony W. Hardy and Rebecca Hardy, husband and wife
hereinafter referred to as Grantee, whose current address is 11166 Privates Court, Manassas VA 20109
the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: January 2, 2007



Samuel H. Smyser

State of Idaho

ss.

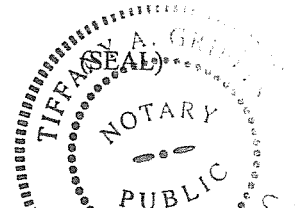
County of Canyon

On this 2nd day of January, 2007, before me, the undersigned, a Notary Public, in and for said State, personally appeared Samuel H. Smyser known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL



Notary Public
RESIDING IN MERIDIAN, IDAHO
EXPIRES 05-17-08



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JUL 16 2007
WATER RESOURCES
WESTERN REGION

EXHIBIT A

1.
1.

All of that certain parcel of real property situate in the Southeast Quarter of the Southwest Quarter (SE1/4 SW1/4) of Section 8, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho being more particularly described as follows:

BEGINNING at the Northeast corner of said Southeast Quarter of the Southwest Quarter; thence

North 88° 04' 52" West 1,020.72 feet to the center of a streambed; thence along said streambed the following courses and distances:

South 00° 11' 33" East 261.71 feet;

South 14° 41' 53" East 198.14 feet;

South 08° 38' 41" East 170.60 feet;

South 54° 56' 57" East 110.32 feet;

South 88° 15' 49" East 99.51 feet;

North 81° 04' 20" East 84.42 feet to the beginning of a tangent curve to the right 182.85 feet on the arc of said curve, having a radius of 100.00 feet, a central angle of 104° 45' 57" and being subtended by a chord which bears South 46° 32' 42" East 158.42 feet; thence departing said streambed

South 88° 07' 09" East 548.53 feet to the Easterly line of said Southeast Quarter of the Southwest Quarter; thence along said Easterly line

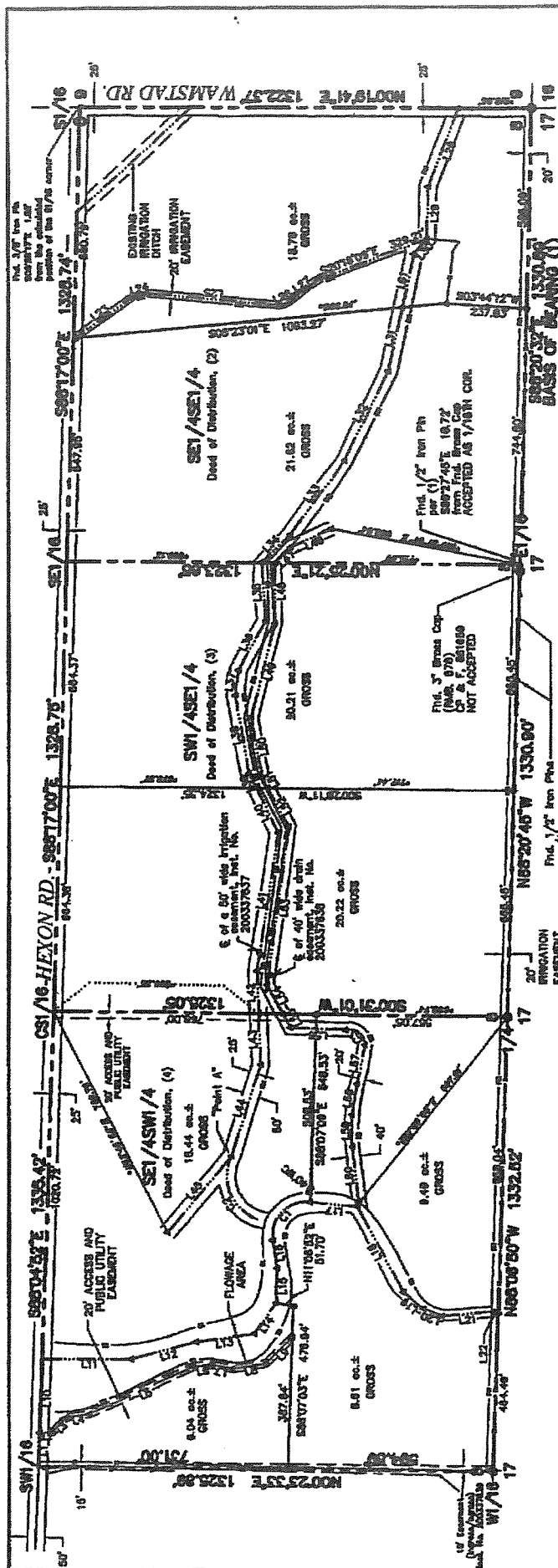
North 00° 31' 01" East 768.00 feet to the **POINT OF BEGINNING**.

The above described parcel of real property is subject to an easement for Hexon Road and an easement for access and public utilities, 20 feet in width, abutting the Easterly line herein before described. Also subject to flowage, of varying widths, along therein described streambed.

ALSO SUBJECT TO AND TOGETHER WITH an irrigation easement fifty (50) feet in width running Westerly across said parcel and a drain easement forty (40) feet in width running Southerly across said parcel.

ALSO SUBJECT TO a 60' wide easement for ingress and egress on the subject property, (16.44 acres) fronting Hexon Road and continuing North and South to the property lying South of the subject property. The easement will be for the 9.41 acres lying to the South of the subject property. The exact location of the easement is to be agreed upon by Hardy and Smyser within 30 days of Smyser receiving an offer to purchase from another buyer for the 9.41 acres. This easement will be an "easement by necessity", as to not landlock the 9.41 acres. This easement will stay perpetual with the land in the event of Mr. Smyers' demise, as any and all other easements currently on the legal descriptions.

SHS

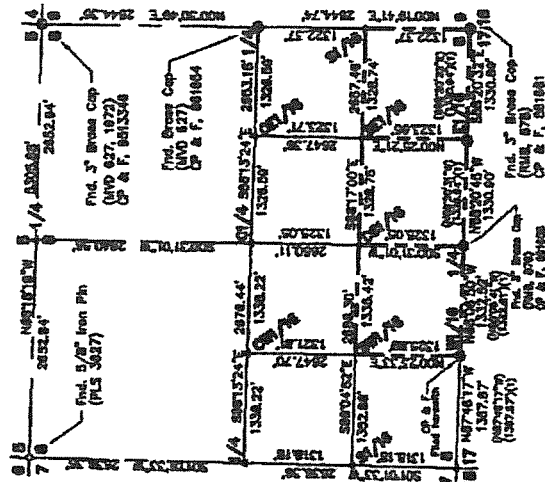


CURVE TABLE						
CURVE	RADIUS	DELTA ANGLE	LENGTH	TANGENT	CHORD	CHORD BEARING
C1	100.00'	104.5873°	182.85'	178.77'	158.42'	S46°32'42"E
C2	153.00'	107.9833°	200.41'	182.85'	218.03'	S62°47'04"W
C3	48.00'	107.9470°	83.48'	87.84'	71.87'	S89°03'30"W

LINE TABLE		
LINE	NAME	DISTANCE
1	0000000000	10.00
2	0000000000	10.00
3	0000000000	10.00
4	0000000000	10.00
5	0000000000	10.00
6	0000000000	10.00
7	0000000000	10.00
8	0000000000	10.00
9	0000000000	10.00
10	0000000000	10.00
11	0000000000	10.00
12	0000000000	10.00
13	0000000000	10.00
14	0000000000	10.00
15	0000000000	10.00
16	0000000000	10.00
17	0000000000	10.00
18	0000000000	10.00
19	0000000000	10.00
20	0000000000	10.00
21	0000000000	10.00
22	0000000000	10.00
23	0000000000	10.00
24	0000000000	10.00
25	0000000000	10.00
26	0000000000	10.00
27	0000000000	10.00
28	0000000000	10.00
29	0000000000	10.00
30	0000000000	10.00
31	0000000000	10.00
32	0000000000	10.00
33	0000000000	10.00
34	0000000000	10.00
35	0000000000	10.00
36	0000000000	10.00
37	0000000000	10.00
38	0000000000	10.00
39	0000000000	10.00
40	0000000000	10.00
41	0000000000	10.00
42	0000000000	10.00
43	0000000000	10.00
44	0000000000	10.00
45	0000000000	10.00
46	0000000000	10.00
47	0000000000	10.00
48	0000000000	10.00
49	0000000000	10.00
50	0000000000	10.00

LINE TABLE			
LINE	REF-NO	DESCRIPTION	INSTR-AGE
L-01	N77721	W-4W	184.46
L-02	N77722	W-4W	201.26
L-03	N77723	W-4W	202.77
L-04	N77724	W-4W	118.37
L-05	N77725	W-4W	174.77
L-06	N77726	W-4W	187.21
L-07	N77727	W-4W	273.31
L-08	N77728	W-4W	233.45
L-09	N77729	W-4W	48.41
L-10	N77730	W-4W	143.36
L-11	N77731	W-4W	414.88
L-12	N77732	W-4W	134.11
L-13	N77733	W-4W	149.37
L-14	N77734	W-4W	200.18
L-15	N77735	W-4W	203.10
L-16	N77736	W-4W	128.11
L-17	N77737	W-4W	48.01
L-18	N77738	W-4W	182.37
L-19	N77739	W-4W	203.47
L-20	N77740	W-4W	91.06
L-21	N77741	W-4W	31.41
L-22	N77742	W-4W	17.41
L-23	N77743	W-4W	21.87
L-24	N77744	W-4W	41.77
L-25	N77745	W-4W	186.31
L-26	N77746	W-4W	186.31
L-27	N77747	W-4W	17.41
L-28	N77748	W-4W	21.87
L-29	N77749	W-4W	21.87
L-30	N77750	W-4W	19.37

**SECTION DETAILS:
NOT TO SCALE**



CONCLUSION

- | | |
|---------------------------|------|
| Barometer | Lips |
| Bending Line | |
| Boasting Line | |
| Boasting Force | |
| Boasting Night-at-Way | |
| Captains | |
| Carriage of Drink/Diamond | |
| Type of Bank | |
| Injection Equipment | |
| Dry-End Equipment | |
| Flood Brine Csp | |
| Flood Mithum Csp | |
| Flood 5/8" from Pk | |
| Flood 1/2" from Pk | |
| Sat 1/8" from Pk | |
| Sat 1/4" from Pk | |
| Calculated Profit | |
| Date of Record | |
| Where Corner | |
| Chances in Connection | |
-
- (N. 67° 52' 29" N., 132° 00')

WC

420.00'

CERTIFICATE OF SUPERVISOR

4. Walter L. Hefter, do hereby certify that I am a Registered Land Surveyor, licensed by the State of Idaho, and that this report has been prepared from an actual survey made on the ground under my direct supervision, and that this map is an accurate representation of said survey and that it is in conformity with the Corner Population and Filing Act, Idaho Code §§2-1001 through §§2-1012.

January 14, 1977

Master L. Pfeiffer

UNION OF ILLEGAL FOR

SAM SMYER

THE NEW YORK PUBLIC LIBRARY
ASTOR LENOX TILDEN FOUNDATION
455 FIFTH AVENUE
NEW YORK, N. Y. 10018

BLS
CANTON COUNTY, OHIO
DR. ANY
BOULE: 1' = 300'
DATE: JULY 16, 2003
THE TOWN
A230 DWR. FILE: 97380-31
BUREAU OF SURVEYING
SURVEYORS - PLANNERS
1451 South Main Street
Payetta, Idaho
208-642-3470

NOT OFFICIAL DOCUMENT

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 63-32370
Date Received: 3/5/1990
Receipt No: X7777777
Received By:

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

1. Name of Claimant(s)

SAM H SMYSER Phone: (208)722-5713
28403 WAMSTAD RD
PARMA ID USA 83660

2. Date of Priority: 06/01/1878

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	05W	22	NW NE SW	CANYON	

5. Description of diverting works:

DIV.DAM IN RIVER W/HEADGATE & GRAVITY DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	1.75	

7. Total Quantity Appropriated is:
1.75 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
05N	05W	8	SW SE	IRRIGATION	40
			SE SE	IRRIGATION	40
			SE SW	IRRIGATION	31.4

Section Acres 111.4

Total Acres 111.4

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:

14. Remarks:

P/D TRANSFERRED BY TRANSFER # 103 TO THAT CLAIMED HERE.
THIS IS A RIGHT SPLIT FROM THE PARENT RIGHT FOR THE PORTION OF THE ORIGINALLY
DECREED LANDS OWNED BY THE CLAIMANT.

This right is a split from former right 63-203A.

15. Basis of Claim: Decreed

RECEIVED

JUN 23 2006

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

WATER RESOURCES
WESTERN 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 (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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	A63-203A	Y			
	A63-204A	Y			

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) 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) SAM SMYSER
4. New Owner/Claimant(s) 28403 WAMSTAD RD, PARMA
John R. Farmer and Margaret R. Farmer
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address 1065 S. Kingfisher Way
- City, State and ZIP Code Boise, ID, 83709
- New Telephone Number (208) 376-1675
5. Date you acquired the property 5/4/2006

OK
to
split

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 <u>A63-203A (portion)</u>		
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	<u>.14 cfs</u>	<u>8.6 ac - SESW</u>
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	<u>.14 cfs</u>	

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 <u>A63-204A (portion)</u>		
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	<u>.05 cfs</u>	<u>8.6 ac - SESW</u>
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	<u>.05 cfs</u>	

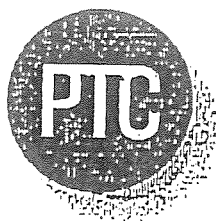
7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable) _____

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 MR Date 6-23-06 Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by kg AJ Date 7-25-06 WR _____ Date _____
reviewed by L. Graves

INSTRUMENT NO. 200634131



Pioneer Title Co.

GOING BEYOND

5680 East Franklin Road, Suite 150 / Nampa, Idaho 83687 / (208) 465-6655

PC605200

WARRANTY DEED

For Value Received Samuel H Smyser, aka Sam H. Smyser, a married man as his sole and separate property

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

John R Farmer and Margaret R Farmer, husband and wife

hereinafter referred to as Grantee, whose current address is 1055 W. Klingfisher Way Boise, ID 83709.

the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: May 1, 2006

Samuel H. Smyser
Samuel H Smyser

RECORDED
MAY 4 2006
BY [Signature]
CLERK OF DISTRICT COURT
IDAHO
PIONEER-CALDWELL
EQUITY
TYPE [Signature]

200634131

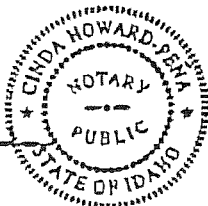
State of Idaho

County of Canyon

On this 1st day of May, 2006, before me, the undersigned, a Notary Public, in and for said State, personally appeared Samuel H. Smyser known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

Notary Public
Residing at: Meridian
Commission Expires: April 28, 2009



(SEAL)

EXHIBIT A

All of that certain parcel of real property situate in the Southeast Quarter of the Southwest Quarter (SE1/4 SW1/4) of Section 8, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho being more particularly described as follows:

BEGINNING at the Southwest corner of said Southeast Quarter of the Southwest Quarter, thence; along the Westerly line of said Southeast Quarter of the Southwest Quarter,

North 00° 23' 33" East, 594.89 feet, thence;
South 88° 07' 03" East, 476.94 feet, thence;
North 11° 06' 52" East, 51.70 feet, to the center of a streambed, thence; along said streambed the following courses and distances
South 88° 19' 49" East, 99.51 feet,
North 81° 04' 20" East, 84.42 feet, to the beginning of a tangent curve to the right, 182.85 feet, on the arc of said curve, having a radius of 100.00 feet, a central angle of 104° 45' 57" and being subtended by a chord which bears
South 46° 32' 42" East, 158.42 feet,
South 05° 50' 17" West, 137.61 feet;
South 62° 07' 53" West, 284.24 feet,
South 40° 23' 51" West, 73.28 feet,
South 20° 06' 17" West, 58.36 feet,
South 05° 05' 26" East, 151.71 feet,
South 18° 26' 56" West, 15.78 feet, to the Southerly line of said Southeast Quarter of the Southwest Quarter, thence; departing said streambed and along said Southerly line,
North 88° 06' 50" West, 464.49 feet, to the POINT OF BEGINNING.

The above described parcel of real property is subject to an irrigation easement, 20 feet in width, on the Southerly line herein before described. Also subject to flowage, of varying widths, along herein described streambed.

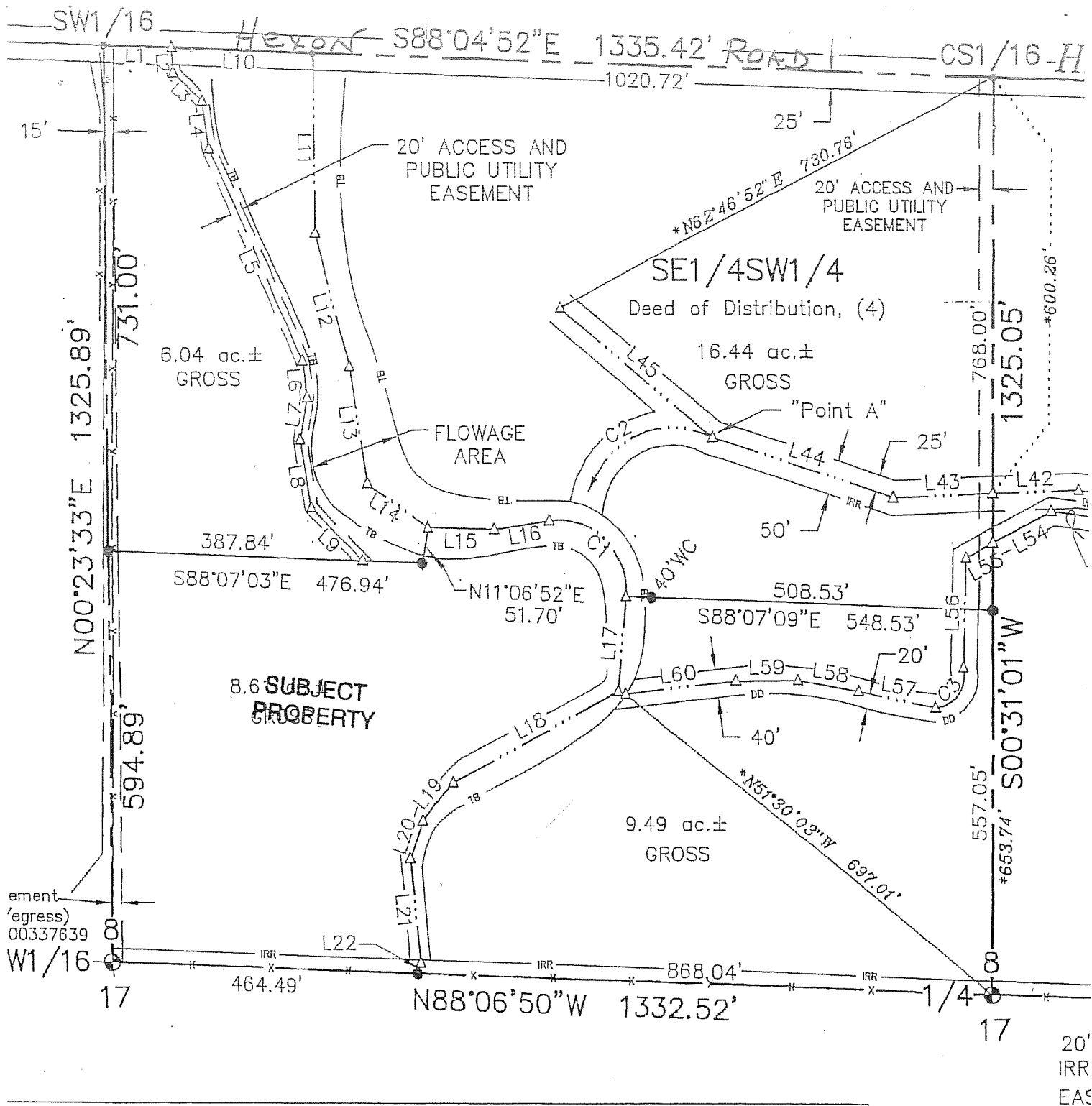
ALSO SUBJECT TO a 15 Foot Easement for Ingress-Egress, as granted in Instrument No. 200337639, records of Canyon County, Idaho.

TOGETHER WITH an easement for access and public utilities, 20 feet in width, described as follows:

COMMENCING at the Northwest corner of said Southeast Quarter of the Southwest Quarter; thence along the Northerly line of said Southeast Quarter of the Southwest Quarter

South 88° 04' 52" East, 100.39 feet, to the POINT OF BEGINNING, thence;
South 03° 01' 21" East, 37.23 feet, thence;
South 45° 46' 08" East, 59.97 feet, thence;
South 07° 52' 19" East, 69.59 feet, thence;
South 24° 39' 02" East, 335.07 feet, thence;
South 06° 10' 13" East, 53.85 feet, thence;
South 10° 30' 50" West, 61.97 feet, thence;
South 09° 11' 46" East, 98.55 feet, thence
South 45° 38' 06" East, 108.89 feet, to the Northerly side of the herein described parcel, being the POINT OF ENDING for this easement.

SHS



CURVE TABLE

CURVE	RADIUS	DELTA ANGLE	LENGTH	TANGENT	CHORD	CHORD BEARING
C1	100.00'	104°45'57"	182.85'	129.77'	158.42'	S46°32'42"E
C2	133.00'	107°52'37"	250.41'	182.65'	215.03'	S62°47'04"W
C3	46.00'	102°44'25"	82.49'	57.56'	71.87'	S36°52'37"W

LINE TABLE

BEARING	DISTANCE
S88°07'19"E	100.68'

LINE TABLE

LINE	BEARING	DISTANCE
L31	N77°51'54"W	190.46'

SECTION
NOT T

63-203A

SMYSER

120 ACRES

1.89 CFS

$$1.89 \div 120 = .02 \times 111.4 = 1.75 \text{ CFS}$$

$$.02 \times 8.6 = .14$$



63-32370

SMYSER

111.4 ACRES

1.75 CFS

63-32371

FARMER

8.6 ACRES

.14 CFS

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: A63-00203A
Date Received: 3/ 5/1990
Receipt No: C015319
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: SAM H. SMYSER 208-722-5713
Address: 28403 WAMSTAD ROAD
PARMA ID 83660

2. Date of Priority: JUN 1, 1878

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	05W	22	NW	NE	SW		CANYON

5. Description of diverting works:
DIV.DAM IN RIVER W/HEADGATE & GRAVITY DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.890		

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

8. Total consumptive use is 420.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	05W	8	SE	SW		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0

MICROFILMED
OCT 02 1996

RECEIVED

OCT 19 1994

Department of Water Resources

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: A63-00203A

Date Received: 3/5/1990

Receipt No: CO15319

Received By: RTE

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SAM H. SMYSER 208-722-5713
Address: 28403 WAMSTAD ROAD
PARMA ID 83660

2. Date of Priority: JUN 1, 1878

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	05W	22	NW	NE	SW		CANYON

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9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	05W	8	SE	SW		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	120.0
					Total Acres	120.0

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:
N/A

14. Remarks:
P/D TRANSFERRED BY TRANSFER # 103 TO THAT CLAIMED HERE.
THIS IS A RIGHT SPLIT FROM THE PARENT RIGHT FOR THE PORTION OF
THE ORIGINALLY DECREED LANDS OWNED BY THE CLAIMANT.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

FARMERS CO-OP DITCH CO.
Decree Plaintiff

RIVERSIDE IRR. DIST.
vs Decree Defendant

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 Individuals:

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

Signature of Claimant(s): Sam H. Smay Date: 30 Oct 94

Date: _____

MICROFILMED
OCT 02 1996

State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 3 day
of October 19 94 Charles A. Simpson
Notary Public

Seal

Residing at Parma
My Commission Expires 4/25/2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

*phone: 9-26-94
receipt # 0015319
wants to file, we need
a signed original
9-30-94*

September 22, 1994

Sam H. Smyser
28403 Wanstad Rd.
Parma, ID 83660

*could not find copies;
sending form to him for
signature*

Re: Snake River Basin Adjudication (SRBA)
Claim No(s): A63-00203A, A63-00204A

Dear Claimant,

Our office is currently reviewing claims in your area for recommendation in the Snake River Basin Adjudication. Our records indicate that you may have contacted our office concerning the claim noted above. This claim was never completed.

There may be several reasons why the claim was not completed. You may have chosen not to complete the claim or it may have been an oversight. We would appreciate a response if you feel you wish to claim the right in question.

We have included a summary of the claim; please review this report. If you wish further information about the claim or the claim process, please call my office at (208)327-7925. If I do not receive a response within 30 days, I will assume that you have no further interest in the claim listed above. Thank you for your cooperation.

Sincerely,

Roxanne McCarthy

Roxanne McCarthy
Sr. Water Resource Agent
Adjudication Bureau

RM:r
Enclosure
computer summary of claim(s)

MICROFILMED
OCT 02 1996

Water Right Number - 63-00203 Adj. Flag Translation: Standard Water Right Number Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
STOCKTON

R. H.

1 -
2 -
3 -
City-
Phone - 208-000-0000

State- ID Zip-

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/01/1878 14 D - DECREED

+ - - Source - - - - - + + - - Tributary - - - - - + + - - Status - - - +
BOISE RIVER SNAKE RIVER

+ - - Point of Diversion - - - - - + Stream Index (Blank if no Index Code)

05N 05W 16 (27) CANYON

+ - - Description Period From Water Use Diversion Rate Diversion Volume + - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

4.400

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Div. Capacity - + + - - Total Consumptive Use - + + - - KW Usage - +
4.400

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
05N	05W	8	SE SW			01	IRRIGATION	(27) CANYON	
05N	05W	8	NE SE			01	IRRIGATION	(27) CANYON	
05N	05W	8	SW SE			01	IRRIGATION	(27) CANYON	
05N	05W	8	SE SE			01	IRRIGATION	(27) CANYON	
05N	05W	16	NE NW			01	IRRIGATION	(27) CANYON	
05N	05W	16	SE NW			01	IRRIGATION	(27) CANYON	
05N	05W	17	NE NE			01	IRRIGATION	(27) CANYON	

Total Acres:

+ - - Diversion Means -
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -
+ - - P/D IN SE, S16, T5N, R5W.

MICROFILMED
OCT 02 1996

Adj. flag translation: Standard Water Right Number

- - Conditions of Approval - -
No Conditions of Approval found.

+ - - - Decree Defendant - - +
RIVERSIDE IRR. DIST.

05/01/88	CONVERT	08/01/89	CURTIS
----------	---------	----------	--------

Water Rights Dates and Flags Area

Field Exam Made	-	00/00/0000	Field Exam Fee	-
Protected Date	-	00/00/0000	Swan Falls	-
Expiring Date	-	00/00/0000	Temporary Right	P
Verified Date	-	00/00/0000	DLE/Carey Act	-
Receipt Number	-		Water District	63
Appl Received	-	00/00/0000	Transfer/Amended	-

Field Exam Fee	-
Swan Falls	-
Temporary Right	P
DLE/Carey Act	-
Water District	63
Transfer/Amended	-

MICROFILMED
OCT 02 1996

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

RIGHT NUMBER: 63-32801

NAME AND ADDRESS: SAM H SMYSER
28403 WAMSTAD RD
PARMA ID 83660

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.490 CFS

Whenever it becomes necessary for the watermaster to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

The rights listed below are limited to a total combined diversion rate of 1.90 cfs. Combined Right Nos.: 63-32801 and 63-32803.

PRIORITY DATE: 06/01/1878

POINT OF DIVERSION:

T05N R05W S22 NESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.490 CFS
Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.		

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S08	SESW	15.00	T05N R05W S08	SWSE	40.00
T05N R05W S08	SESE	40.00			

95 ACRES TOTAL

Right Nos. 63-32801 and 63-32803 are limited to the irrigation of a combined total of 95 acres 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

This right is a split from former right 63-32370 .

This right is also designated as Right No. 71 in the Boise River Stewart Decree and Boise Water Distribution Report.

**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	)	Water Rights: 63-32370 (Split)
	)	63-32801, 63-32802
Case No. 39576	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE
_____	)	PROCEEDING

IDWR has completed the following administrative proceeding:

- ☐ Address change
- XX Substitution of Party
- ☐ IC § 42-222 transfer
 - ☐ Point of diversion ☐ Place of use
 - ☐ Period of use ☐ Nature of use
 - ☐ Split of water right ☐ Change in ownership
 - ☐ Other
- ☐ IC § 42-219 license

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 Report(s)* for said water right(s). 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: July 27, 2007



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on July 27, 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	☐ overnight mail
Snake River Basin Adjudication	☒ regular mail
P.O. Box 2707	☐ hand-delivered
Twin Falls, ID 83303-2707	☐ facsimile

2. Copies to:

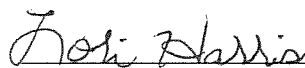
Clive Strong	☐ overnight mail
Off ice of the Attorney General	☒ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

United States Dept of Justice	☐ overnight mail
Environment & Natural Resource Div	☒ regular mail
550 West Fort Street MSC 033	☐ hand-delivered
Boise ID 83724	☐ facsimile

3. Copies to all parties to the subcase:

Sam Smyser	☐ overnight mail
28403 Wamstad Rd.	☒ regular mail
Parma ID 83660	☐ hand-delivered
	☐ facsimile

Anthony Hardy	☐ overnight mail
Rebecca Hardy	☒ regular mail
7934 Blue Gray Circle	☐ hand-delivered
Manassas VA 20109	☐ facsimile



Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 27, 2007

SAM SMYSER
28403 WAMSTAD RD
PARMA ID 83660

Re: Original Water Right No. 63-32370, 63-32372

Renumbered to Water Right Nos. 63-32801, 63-32803

Dear Mr. Smyser:

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This change of ownership resulted in a split of the original claim.

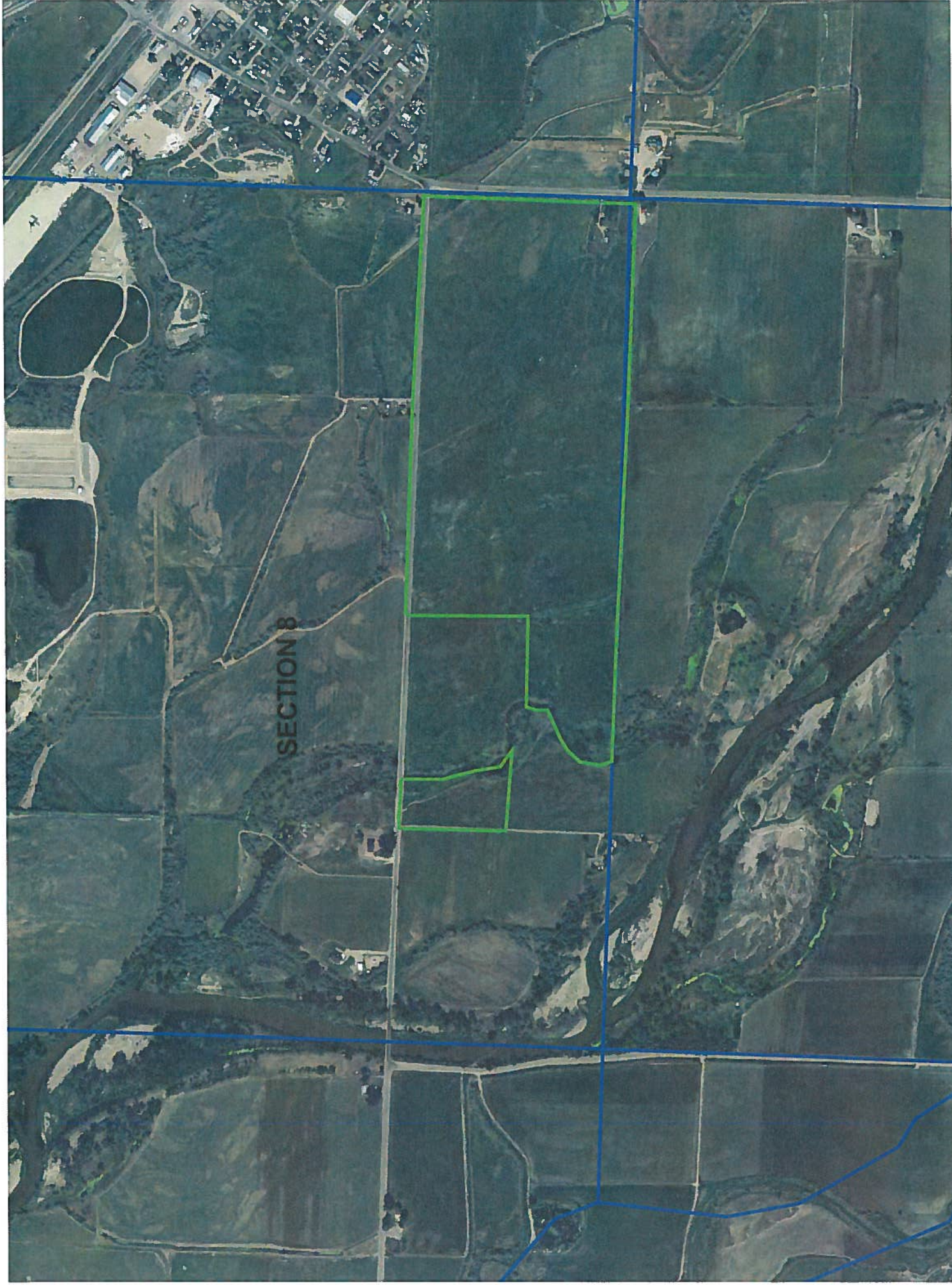
When a portion of the original water right has been conveyed to another and the original right has been split, then the original right number is renumbered to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new water right number reflects your remaining portion of the original right after the change of ownership. Enclosed is a copy of this new water right for your records. Please refer to your new number when corresponding with our office. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the SRBA Court as notification of this change.

If you have any questions concerning this ownership change, or the enclosed copy, please feel free to contact this office.

Sincerely,

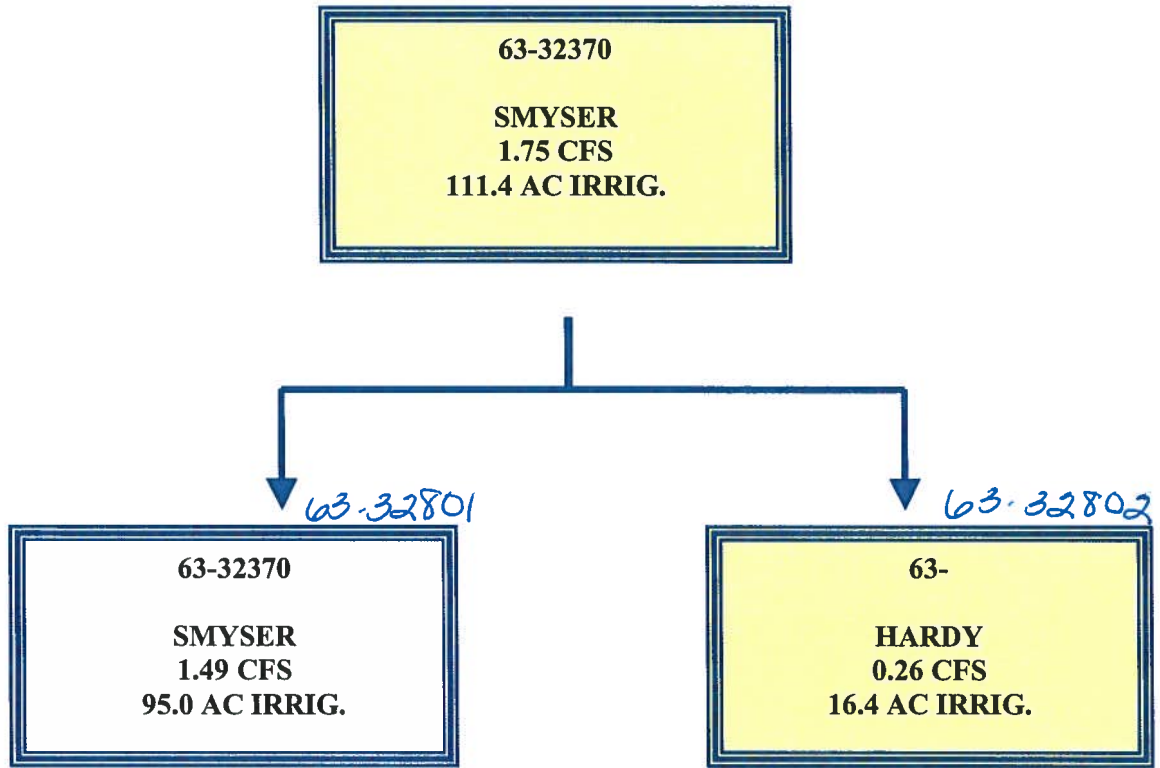
Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

LH:1
Enclosures



MYSER 95 ACRES - REMAINDER OF 63-32370 AND 63-32372 AFTER HARDY CHANGE OF OWNERSHIP

SPLIT TREE FOR 63-32370



* combined use remarks :

Quantity: Smysers rts 63-32370 & 12 limited to ^{1.90}~~2.04~~ cfs

Hardy: — & — limited to ^{.33}~~.33~~ cfs

Pool: Smysers rts 63-32370 & 12 limited to irrigation of 115 ac in ~~the~~ single irr season.

Hardy: — & — limited to 16.4 ac in single irr season.

Idaho Department of Water Resources



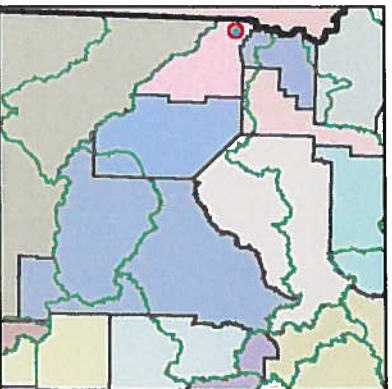
SRBA Recommendation:

63-32801

(Irrigation)

Legend

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



Canyon County
IDWR Basin 63



Prepared by V. Music
On Thursday, August 2, 2007
1987/88 Aerial Photography