

11/05/2004

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

RIGHT NUMBER: 25-13962

NAME AND ADDRESS: BRYAN SMITH
5166 N FOOTHILL RD
IDAHO FALLS ID 83401

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS

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

PRIORITY DATE: 07/01/1973

POINT OF DIVERSION:

T03N R39E S31 SWSE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1/01 12/31	0.040 CFS
STOCKWATER	1/01 12/31	0.020 CFS

Domestic use is for 1 home.

Stockwater use is for 20 cattle and 20 horses.

PLACE OF USE: DOMESTIC Within BONNEVILLE County

T03N R39E S31 SWSE

STOCKWATER Within BONNEVILLE County

T03N R39E S31 SWSE

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: Beneficial Use

Water Right 25-13962

SCANNED

NOV 17 2004

PROFILED

02/27/2004

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

RIGHT NUMBER: 25-13962

NAME AND ADDRESS: NANCY BOB SMITH
5004 N FOOTHILL RD
IDAHO FALLS ID 83401-5706

RICHARD P SMITH
5004 N FOOTHILL RD
IDAHO FALLS ID 83401-5706

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS

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

PRIORITY DATE: 07/01/1973

POINT OF DIVERSION:

T03N R39E S31 SWSE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1/01 12/31	0.040 CFS
STOCKWATER	1/01 12/31	0.020 CFS

Domestic use is for 1 home.

Stockwater use is for 20 cattle and 20 horses.

PLACE OF USE: DOMESTIC Within BONNEVILLE County

T03N R39E S31 SWSE

STOCKWATER Within BONNEVILLE County

T03N R39E S31 SWSE

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: Beneficial Use

Water Right 25-13962

SCANNED
1
NOV 17 2004
PROFILED

SCANNED

JUL 25 2001

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: A25-13962

Date Received: 11/16/1999

Receipt No: 6025467

Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD P SMITH 208-522-5812
Address: 5004 N FOOTHILL RD
IDAHO FALLS ID 83401-5706

AND/OR

Name: NANCY BOB SMITH 208-522-5812
Address: 5004 N FOOTHILL RD
IDAHO FALLS ID 83401-5706

2. Date of Priority: JUL 1, 1973

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	39E	31	SW	SE			BONNEVILLE

5. Description of diverting works:
WELL/PUMP TO HOME AND STOCK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
1 HOME

A2513962



10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	39E	31	SW SE		STOCK	
			SW SE		DOMEST	

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:

14. Remarks:

STOCKWATER, 20 CATTLE, 20 HORSES

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 3

For Individuals:

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

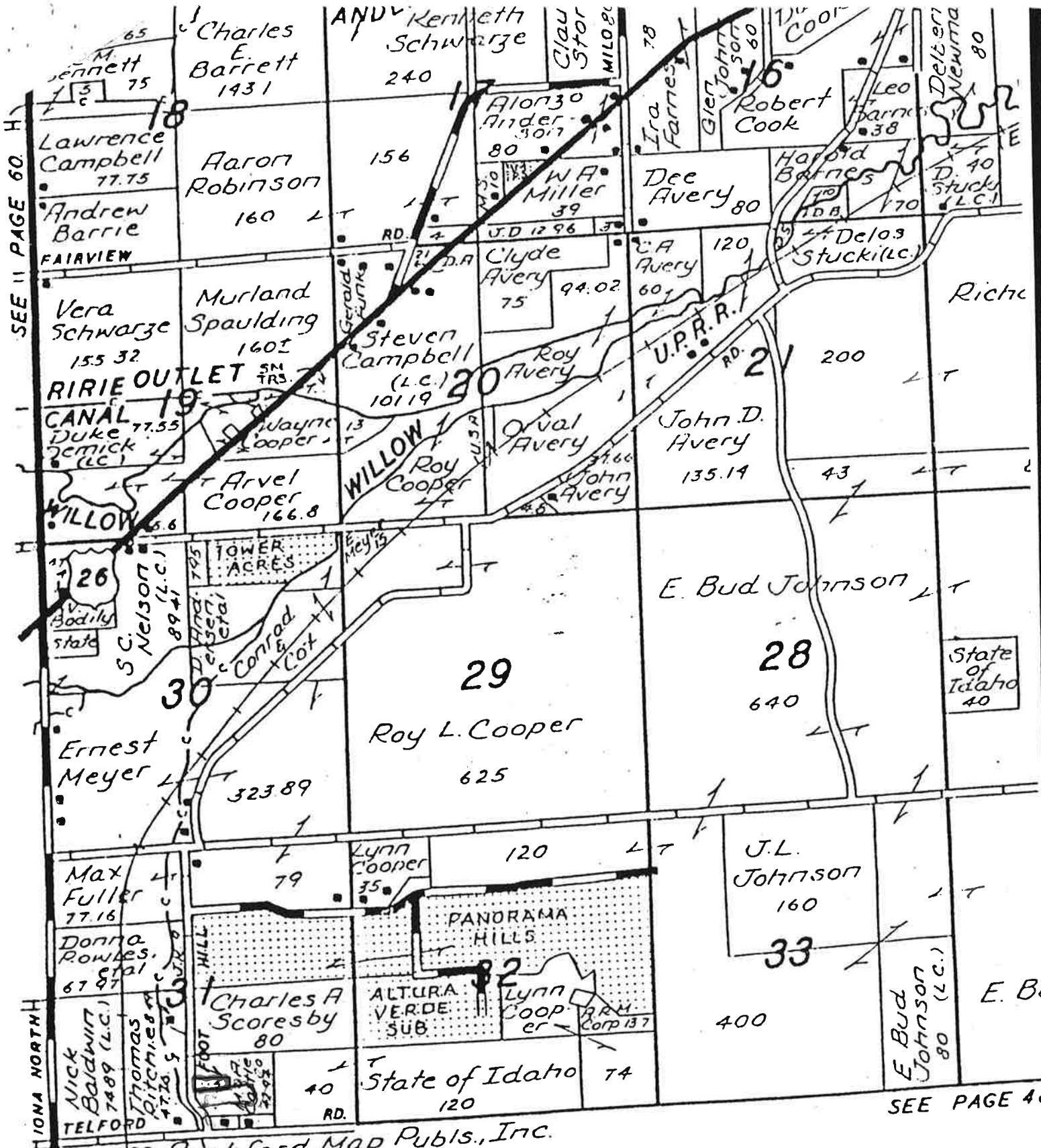
Signature of Claimant(s): Richard P. Smith Date: 11/20/99
Nancy S. Smith Date: 11-23-99

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 23 day
of Nov 19 99
Dave C. G.
Notary Public

Seal

Residing at Ligby, ID
My Commission Expires 2/26/2002



SEE PAGE 60 H

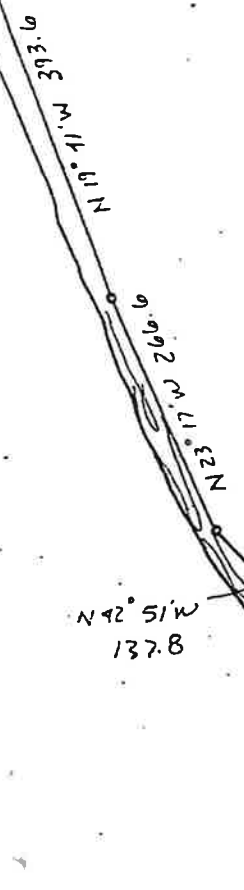
SEE PAGE 46

733.02

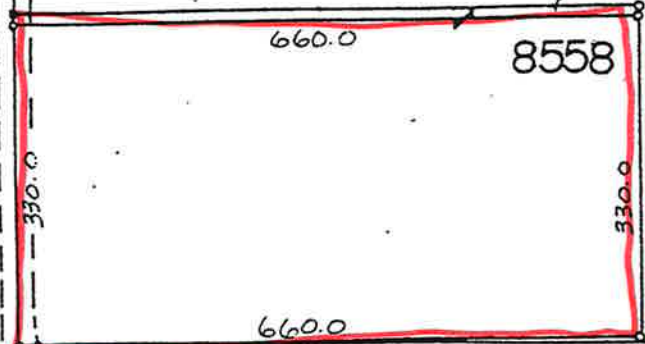
FOOTHILL

This sketch is made solely for the purpose of assisting in locating the premises. The Company assumes no liability for alleged loss or damage which result from reliance on this map.

5090



9° 15' W 948.0



S 0° 10' 37" W 192.6 N 89° 49' 23" W 679.86

8726

N 89° 49' 23" W 618.79

8737

TRACT 1

SURVEY JAN 91'
MOUNTAIN RIVER ENGINEERING
TRACT 2

R=242.93
L=200.05

S 47° 00' 25" E
150.60

R=189.71
L=54.64

457.27

S 89° 38' 13" W

N 89° 38' 13" E 525.0

525.01

8919

N 89° 38' 13" E 525.0
25' RW + UTILITY ESMT.

525.0

8881

65.292
262.29
N 00° 00' E 291.59

320.0

of Sections 42-
on file with Recorder
ship of a water

BONNEVILLE COUNTY RECORDER

WARRANTY DEED

1004540 AUG18'99 PM 3 01

For Value Received Richard Todd Loosli, A married man

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Richard P. Smith and Nancy Bob Smith, Husband and Wife

whose address is: 5004 N. Foothill Rd. Idaho Falls, ID 83401,

Hereinafter called the Grantee, the following described premises situated in Bonneville County, ID, to-wit:

Tract I

Commencing at the NW Corner of the SW1/4 of the SE1/4 of Section 31, Township 3 North, Range 39, East of the Boise Meridian, Bonneville County, Idaho; thence South 330 feet to the point of beginning; thence East 660 feet; thence South 330 feet; thence West 660 feet; thence North 330 feet to the point of beginning. Subject to existing ditch and road right of way.

Tract II

Beginning at a point that is N.0°10'37" E.991.35 feet along the North-South centerline of Section 31, from the South Quarter corner of Section 31, Township 3 North, Range 39, East of the Boise Meridian, Bonneville County, Idaho; running thence N. 0°10'37" E.10.00 feet; thence S. 89°49'23" E. 660.00 feet; thence S.0°10'37" W. 10.00 feet; thence N. 89°49'23" W. 660.00 feet to the point of beginning.
Subject to: existing country road right of way.

INSTRUMENT NO.	1004540
DATE	8-18-99
INST. CODE	205
IMAGED PGS	1
FEE	3-
STATE OF IDAHO) COUNTY OF BONNEVILLE) ss	
I hereby certify that the within instrument was recorded.	
Ronald Longmore, County Recorder	
By	<i>Christel</i> Deputy
Request of	

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns
I, the Grantor, do hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that
and except U.S. Patent reservations, restrictions,
whatsoever.

435562

WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

ADDRESS SERVICE
REQUESTED

U.S. POSTAGE
1280
3947
5359 MAILED FROM ZIP CODE

RECEIVED
SEP 14 2004
Department of Water Resources
Eastern Region

25-13962
25-13963

NANCY BOB SMITH

SMIT004 834012005 1303 07 09/06/04
FORWARD TIME EXP RTN TO SEND
13786 SCHOGER KD
NATHROP CO 81236

RETURN TO SENDER

SCANNED
SEP 17 2004

PROFILED

Rm

RECEIVED
OCT 29 2004
Department of Water Resources
Eastern Region

**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 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
25-13962					

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)

Richard P. Smith
5004 N. Footehill RD. 83401

4. New Owner/Claimant(s)

Bryan D. Smith
Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

5166 N. Footehill RD.

City, State and ZIP Code

Idaho Falls, ID. 83401

New Telephone Number

208 523-3430

5. Date you acquired the property

Sept. 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Effective July 1, 2000, the Idaho Legislature amended Section 42-248, Idaho Code to include a provision for fees to file a Notice of Change in Water Right Ownership. Please see details at Item 8, below, to determine if fees are required for your filing.

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 the number(s) at Item 1. Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

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 adjudication 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/claimant(s) of the water right(s) at Item 3.
4. The name, mailing address, and telephone numbers of the new owner/claimant(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.

company

BONNEVILLE COUNTY RECORDER
1128065 SEP12'03 PM 4 37

1128065
BLT T-21084

WARRANTY DEED

RICHARD P. SMITH and NANCY BOB SMITH, husband and wife, as GRANTOR,

for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto

BRYAN D. SMITH and JOYCE SMITH, husband and wife, as GRANTEE,

whose address is 374 West 81st North, Idaho Falls, ID 83401, and Grantee's successors and assigns, all of the following described real property, to-wit:

TRACT 1:

Beginning at the Northwest Corner of the Southwest Quarter of the Southeast Quarter of Section 31, Township 3 North, Range 39, East of the Boise Meridian, Bonneville County, Idaho; running thence South 330 feet to THE TRUE POINT OF BEGINNING; thence East 660 feet; thence South 330 feet; thence West 660 feet; thence North 330 feet to THE TRUE POINT OF BEGINNING.

TRACT 2:

Beginning at a point that is N00°10'37"E 991.35 feet along the North-South centerline of Section 31, from the South Quarter Corner of Section 31, Township 3 North, Range 39, East of the Boise Meridian, Bonneville County, Idaho; running thence N00°10'37"E 10 feet S89°49'23"E 660 feet; thence S00°10'37"W 10 feet; thence N89°49'23"W 660 feet to the point of beginning.

SUBJECT TO the 2003 and subsequent years general taxes and assessments, all existing patent reservations, easements, right of ways, protective and restrictive covenants, zoning ordinances and applicable building codes, laws and regulations.

TOGETHER WITH any and all improvements, water and ditch rights, easements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion, remainder, rents, issues, and profits thereof.

Grantor, for himself and his successors and assigns, does hereby warrant and agree to forever defend the Grantee, and Grantee's successors and assigns, in the quiet and peaceful possession of said premises against the lawful claims of any and all persons.

In construing this Deed and where the context so requires, the singular includes the plural, and the masculine, the feminine and neuter.

Dated: September 10, 2003

* Richard P. Smith
Richard P. Smith

* Nancy Bob Smith
Nancy Bob Smith

STATE OF Colorado)

COUNTY OF Boulder) ss

On September 10, 2003 before me, the undersigned, personally appeared
Richard P. Smith Nancy Bob Smith

known or identified to me to be the person(s) whose name(s) is/are subscribed to
the within instrument, and acknowledged to me that he/she/they executed the same.

Susan E. Cipar Susan E. Cipar
Notary Public for the State of Colorado
Commission Expiration Date: 06/26/2007



My Commission Expires 06/26/2007

I hereby certify that the within
instrument was recorded.

Ronald Longmore,
County Recorder

By BLT Deputy
Request of BLT

Bonneville Land & Title Co.

497 N. Capital Ave * P.O. Box 51690 * Idaho Falls, ID 83405-1690 * (208) 524-6600