

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 37-368B
Date Received: 2/15/1990
Receipt No: X999999
Received By:

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

1. Name of Claimant(s)

SMOKEY DOME LLC
C/O CHARLES E HILL
PO BOX 1607
BELLEVUE WA USA 98009

Phone: (425) 688-9304

2. Date of Priority: 06/15/1884

3. Source: THREEMILE CREEK WEST FORK Trib. to: THREEMILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	13E	14	SE SE SW	CAMAS	

5. Description of diverting works:

DAMS AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.5	

7. Total Quantity Appropriated is:
0.5 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
01N	13E	23	SE	NW	IRRIGATION	20
			NE	NW	IRRIGATION	5
					Section Acres	25
					Total Acres	25

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:

14. Remarks:

OWNERSHIP CHANGE PER FORM 42-1409(7). CLF 6-23-95
***** OWNERSHIP CHANGE FROM A37-00368 RESULTED IN
A SPLIT. THE "A" PORTION BELONGS TO VM DIAMOND. THE "B" PORTION BELONGS TO SMR
DEVELOPMENT. WARRANTY DEED AND MAP PROVIDED FOR PROOF.

11/22/06 - Ownership change to Smokey Dome LLC

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, if the change in ownership is limited to a portion of water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
_____	37-368B	_____	_____	_____	_____
_____	37-409B	_____	_____	_____	_____
_____	37-2076B	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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

- A. The appropriate **FILING FEE**. See Instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
 PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit 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 SMR Development, L.C.
 Owner/Claimant(s) 3313 Brown St., PO Box 6144, Boise, ID 83307
4. New Owner/Claimant(s) Smokey Dome LLC
 Name Connector (Check one): [] and, [] or [] and/or
- New Mailing Address C/o Chuck Hill, P.O. Box 1607
- City, State and Zip Code Bellevue, WA 98009
- New Telephone Number (425) 688-9304
5. Date you acquired the property May 4, 2005

SCANNED
NOV 27 2006

6. **IF THE CHANGE IN OWNERSHIP AFFECTS THE ENTIRE WATER RIGHTS FOR EACH WATER RIGHT OR ADJUDICATION CLAIM NUMBER LISTED IN ITEM 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change of ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (Cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (Cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

SMOKEY DOME LLC

By: _____



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

For Office Use only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____	AJ Date _____	WR _____ Date _____

SCANNED**NOV 27 2006**

0040073
RECORDING REQUESTED BY AND
WHEN RECORDED, MAIL TO:

James P. Speck, Esq.
SPECK & AANESTAD
A Professional Corporation
Post Office Box 987
Ketchum, Idaho 83340

78436
Recorded at the Request of
CAMAS TITLE
at 4:00 P. M.
5-4, 2005
in Book 35 Page 184
of DEED
ROLLIE BENNETT
CAMAS COUNTY RECORDER
By [Signature]
Fees \$ 51.00

(Space above line for Recorder's use)

WARRANTY DEED

FOR VALUABLE CONSIDERATION RECEIVED, SMR DEVELOPMENT, L.C., an Idaho limited liability company (hereinafter the "GRANTOR"), hereby grants, bargains, sells, conveys and confirms unto SMOKEY DOME LLC, a Washington limited liability company, whose mailing address is c/o Charles E. Hill, P.O. Box 1607, Bellevue, WA, 98009 (hereinafter the "GRANTEE"), its successors and assigns forever, the parcel of land situated in the County of Camas, State of Idaho, more particularly described as on Exhibit "1" attached hereto and hereby incorporated herein (hereinafter the "Property"):

TOGETHER WITH all and singular the improvements, tenements, hereditaments, easements, covenants and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainders, rents, issues and profits thereof, and

TOGETHER WITH all water rights and other entitlements to receive water for beneficial use on the real property purchased hereunder including, without limitation, all rights represented by any contract, decree, license, permit, permit application, claim or storage entitlement, and those water rights identified in the records of the Idaho Department of Water Resources ("IDWR") as set forth in Exhibit "2" attached hereto and hereby incorporated herein, all ditches, ditch rights, easements and rights-of-way associated with the delivery of such water rights, and

TOGETHER WITH any and all rights GRANTOR has to amend the Master Declaration of Easements, Covenants and Servitudes for Hidden Paradise Ranch, and amendments thereto, exception 6 of the Exceptions to Title, and all rights GRANTOR has, if any, as the Grantor of the Declaration of Easements, Covenants and Servitudes for Fairway Estates Subdivision and amendments thereto, as recorded in the records of Camas County, Idaho, exception 8 of the Exceptions to Title, and all rights, if any, it has as the Grantor of the Declaration of Easements, Covenants and Servitudes for Homestead Subdivision as recorded in the records of Camas County, Idaho, exception 14 of the Exceptions to Title, AND

SUBJECT TO the Exceptions to Title described on Exhibit "3" attached hereto, and by this reference made a part hereof.

Subject to those exceptions to title to which this conveyance is expressly made subject and those made, suffered or done by the GRANTEE, the GRANTOR covenants to the GRANTEE, its successors and assigns, that the GRANTEE shall enjoy the quiet and peaceful possession of the Property, and GRANTOR warrants to the GRANTEE, its successors and assigns, that GRANTOR is the owner of the Property in fee simple and has the right and authority to convey the same to GRANTEE, and it will defend the same from all lawful claims whatsoever.

The current address of the GRANTEE is: c/o Charles E. Hill, P.O. Box 1607, Bellevue, WA, 98009

IN WITNESS WHEREOF, this WARRANTY DEED has been duly executed by and on behalf of GRANTOR by all of its members, effective the 4th day of May, 2004.

GRANTOR

SMR DEVELOPMENT, L.C.

by William N. Carter
William N. Carter, Member

by William F. Martin
William F. Martin, Member

by Robert J. Duncan
Robert J. Duncan, Member

by William H. Hall, Jr.
William H. Hall, Jr., Member

by Clayton Patton
Clayton Patton, Member

by 
Jeffrey C. Agenbroad, Trustee

by Wanda L. Groot, Trustee

M. Reed Newman
Notary Public for the State of Idaho
Residing at Boise, Idaho

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FLAT WILLOW CREEK, LLC
Member

by Clayton Patton, Member

AGENBROAD FAMILY REVOCABLE TRUST-1993
Member

by Jeffrey C. Agenbroad, Trustee

WANDA L. GROOT TRUST
Member

by Wanda L. Groot, Trustee
Wanda L. Groot, Trustee
9-20-20 Wanda L. Groot, Trustee

EXHIBIT LIST

Exhibit "1" Legal Description

Exhibit "2" Water Rights

Exhibit "3" Exceptions to Title

STATE OF IDAHO)
)ss
County of Ada)

On this _____ day of _____, 2004, before the undersigned, M. NEAL NEWHOUSE, a Notary Public in and for the State of Idaho, personally appeared WILLIAM N. CARTER, WILLIAM F. MARTIN and WILLIAM H. HALL, JR., known or identified to me to be Members of the limited liability company that executed this instrument or the persons who executed this instrument on behalf of said limited liability company, and acknowledged to me that such company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for the State of Idaho
Residing at Boise, Idaho

My Commission expires on August 30, 2005.

STATE OF IDAHO)
)ss
County of Ada)

On this 2nd day of SEPTEMBER, 2004, before the undersigned, M. NEAL NEWHOUSE, a Notary Public in and for the State of Idaho, personally appeared ROBERT J. DUNCAN, known or identified to me to be A Member of the limited liability company that executed this instrument or the person who executed this instrument on behalf of said limited liability company, and acknowledged to me that such company executed the same.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

M. Neal Newhouse

Notary Public for the State of Idaho
Residing at Boise, Idaho
My Commission expires on August 30, 2005.

STATE OF IDAHO)
)ss
County of Ada)

On this 9th day of SEPTEMBER, 2004,, before the undersigned, M. NEAL NEWHOUSE, a Notary Public in and for the State of Idaho, personally appeared Jeffrey C. Agenbroad, Trustee, of the AGENBROAD IRREVOCABLE FAMILY TRUST-1993, known or identified to me to be a Member of the limited liability company that executed this instrument or the person who executed this instrument on behalf of said trust as a member of said limited liability company, and acknowledged to me that such company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

M. Neal Newhouse

Notary Public for the State of Idaho
Residing at Boise, Idaho
My Commission expires on August 30, 2005.



SMR WARRANTY DEED.wpd
9/2/04

SCANNED
NOV 27 2006

STATE OF WASHINGTON)

County of Grant)ss
)

On this 7th day of September, 2004,, before the undersigned, Kelly A. Hobbs, a Notary Public in and for the State of Washington, personally appeared Clayton Patton, Member of FLATWILLOW CREEK LLC, known or identified to me to be a Member of the limited liability company that executed this instrument or the person who executed this instrument on behalf of FLATWILLOW CREEK LLC as a member of said limited liability company, and acknowledged to me that such company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Kelly A Hobbs
Notary Public for the State of Washington
Residing at Quincy, WA
My Commission expires on OCT. 01, 2007

STATE OF ARIZONA

County of _____)

On this _____ day of _____, 2004,, before the undersigned, _____, a Notary Public in and for the State of Arizona, personally appeared Wanda L. Groot, Trustee, of the WANDA L. GROOT TRUST, known or identified to me to be a Member of the limited liability company that executed this instrument or the person who executed this instrument on behalf of said trust as a member of said limited liability company, and acknowledged to me that such company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for the State of Arizona
Residing at _____
My Commission expires on _____

STATE OF WASHINGTON)

)ss
County of _____)

On this _____ day of _____, 2004,, before the undersigned, _____, a Notary Public in and for the State of Washington, personally appeared Clayton Patton, Member of FLATWILLOW CREEK LLC, known or identified to me to be a Member of the limited liability company that executed this instrument or the person who executed this instrument on behalf of FLATWILLOW CREEK LLC as a member of said limited liability company, and acknowledged to me that such company executed the same.

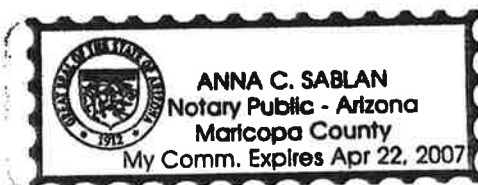
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for the State of Washington
Residing at _____
My Commission expires on _____

STATE OF ARIZONA)
)ss
County of Maricopa)

On this 2nd day of September, 2004,, before the undersigned, Anna C. Sablan, a Notary Public in and for the State of Arizona, personally appeared Wanda L. Groot, Trustee, of the WANDAL. GROOT TRUST, known or identified to me to be a Member of the limited liability company that executed this instrument or the person who executed this instrument on behalf of said trust as a member of said limited liability company, and acknowledged to me that such company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Anna C. Sablan
Notary Public for the State of Arizona
Residing at Mesa Arizona
My Commission expires on 4/22/2007

EXHIBIT "1" TO WARRANTY DEED
LEGAL DESCRIPTION

PARCEL NO. 1

Township 1 North, Range 13 East of the Boise Meridian, Camas County, Idaho

Section 11: SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$

EXCEPTING THEREFROM a tract of land more particularly described as follows:

BEGINNING at the Southwest corner of said Section 11;
THENCE North 89°37'57" East a distance of 1,316.83 feet to the Southwest corner of said Southeast Quarter of the Southwest Quarter;
THENCE North 0°28'12" West a distance of 658.95 feet along the Westerly boundary of said Southeast Quarter of the Southwest Quarter to the TRUE POINT OF BEGINNING;
THENCE North 0°28'12" West a distance of 658.95 feet to the Northwest corner of said Southeast Quarter of the Southwest Quarter;
THENCE North 89°38'58" East a distance of 2,638.09 feet along the Northerly boundaries of said Southeast Quarter of the Southwest Quarter and said Southwest Quarter of the Southeast Quarter to the Northeast corner of said Southwest Quarter of the Southeast Quarter;
THENCE South 0°34'42" East a distance of 1,315.97 feet to the Southeast corner of said Southwest Quarter of the Southeast Quarter;
THENCE South 89°34'55" West a distance of 716.83 feet along the Southerly boundary of said Southwest Quarter of the Southeast Quarter;
THENCE North 82°59'44" West a distance of 880.90 feet;
THENCE North 66°08'29" West a distance of 792.59 feet;
THENCE North 64°39'38" West a distance of 163.66 feet;
THENCE North 17°55'28" West a distance of 146.10 feet;
THENCE North 39°27'29" West a distance of 12.69 feet;
THENCE South 89°38'27" West a distance of 128.98 feet to the TRUE POINT OF BEGINNING.

PARCEL NO. 2

Township 1 North, Range 13 East of the Boise Meridian, Camas County, Idaho

Section 13: NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$

EXCEPTING THEREFROM Fairway Estates Subdivision, as the same appears on the Official plat thereof recorded June 23, 1995 as Instrument No. 69247

ALSO EXCEPTING a parcel of land set forth in that certain Warranty Deed to Michael R. Carter, a single man and William N. Carter, a single man on January 31, 2000 as Instrument No. 73703, and being more particularly described as follows:

BEGINNING at the Northwest corner of said Section 13;
THENCE South 89°40'47" East a distance of 2,597.85 feet to the Northeast corner of the Northwest Quarter of said Section 13;
THENCE South 58°14'06" West a distance of 1,502.94 feet;
THENCE South 27°00'00" West a distance of 1,019.91 feet;
THENCE South 28°15'59" West a distance of 193.15 feet;
THENCE South 41°10'59" West a distance of 210.46 feet;
THENCE South 51°33'26" West a distance of 192.68 feet;
THENCE South 49°09'33" West a distance of 248.55 feet;
THENCE North 79°56'12" West a distance of 126.42 feet;
THENCE North 27°22'21" West a distance of 151.45 feet;
THENCE North 40°00'25" West a distance of 145.99 feet to a point on the westerly boundary of said Northwest Quarter of Section 13;
THENCE North 40°00'25" West a distance of 55.59 feet;
THENCE South 78°27'41" West a distance of 52.25 feet;

THENCE South 32°27'19" West a distance of 120.06 feet;
 THENCE South 40°36'34" East a distance of 103.72 feet;
 THENCE South 23°47'39" West a distance of 179.42 feet;
 THENCE South 32°53'25" West a distance of 294.94 feet;
 THENCE South 21°28'33" West a distance of 264.71 feet;
 THENCE South 42°31'25" West a distance of 310.78 feet;
 THENCE North 28°21'56" West a distance of 663.81 feet;
 THENCE North 45°41'04" West distance of 79.34 feet;
 THENCE North 88°17'27" West a distance of 229.46 feet;
 THENCE North 18°28'39" West a distance of 2,567.79 feet to a point on the southerly boundary of the Southwest Quarter of said Section 11;
 THENCE North 89°34'55" East a distance of 716.83 feet to the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 11;
 THENCE North 0°27'52" West a distance of 1,315.67 feet to the Northwest corner of said Southeast Quarter of the Southeast Quarter;
 THENCE North 89°38'12" East a distance of 1,320.77 feet to the Northeast corner of said Southeast Quarter of the Southeast Quarter;
 THENCE South 0°35'39" East a distance of 1,314.41 feet to the Southeast corner of said Southeast Quarter of the Southeast Quarter and the TRUE POINT OF BEGINNING.

PARCEL NO. 3

Township 1 North, Range 13 East of the Boise Meridian, Camas County, Idaho

Section 14: ALL

EXCEPTING THEREFROM the following described tracts of land:

A parcel of land situated in Sections 14 and 23, Township 1 North, Range 13, East of the Boise Meridian, Camas County, Idaho, more particularly described as follows:

COMMENCING at a point South 09°54'21" East 4,262.79 feet from the North quarter corner of Section 14, being the TRUE POINT OF BEGINNING;
 THENCE North 65°32'47" East 267.68 feet;
 THENCE North 33°44'28" East 96.16 feet;
 THENCE North 10°55'13" East 703.46 feet;
 THENCE North 06°28'35" West 109.91 feet;
 THENCE North 18°47'56" East 383.61 feet;
 THENCE North 22°46'03" East 208.51 feet;
 THENCE North 13°40'41" East 220.92 feet;
 THENCE South 87°59'15" East 229.46 feet;
 THENCE South 45°22'52" East 79.34 feet;
 THENCE South 28°03'44" East 663.81 feet;
 THENCE South 06°59'32" West 219.37 feet;
 THENCE South 53°00'32" East 112.29 feet;
 THENCE South 17°04'39" West 795.86 feet;
 THENCE South 13°27'44" West 324.40 feet;
 THENCE South 32°11'53" East 207.95 feet;
 THENCE South 38°59'17" West 942.18 feet;
 THENCE South 19°36'22" East 241.07 feet;
 THENCE South 61°29'58" West 173.58 feet;
 THENCE South 08°11'28" West 104.11 feet;
 THENCE South 82°16'16" West 140.89 feet;
 THENCE South 14°35'31" West 29.25 feet;
 THENCE North 70°00'41" West 83.54 feet;
 THENCE South 19°55'28" West 124.11 feet;
 THENCE South 66°52'07" West 415.06 feet;
 THENCE North 79°18'18" West 562.56 feet;
 THENCE North 00°24'56" East 1,145.91 feet;
 THENCE North 10°18'44" East 245.13 feet;

THENCE North 01°22'37" East 173.44 feet;
 THENCE North 85°51'54" West 150.84 feet;
 THENCE North 08°41'21" East 144.39 feet;
 THENCE North 81°48'14" East 79.13 feet;
 THENCE North 48°16'49" East 43.49 feet;
 THENCE North 07°08'35" West 59.94 feet;
 THENCE North 75°44'59" East 22.77 feet;
 THENCE North 38°49'11" East 20.50 feet;
 THENCE North 00°32'50" East 16.66 feet;
 THENCE North 13°28'40" West 40.76 feet;
 THENCE North 89°16'51" East 44.33 feet;
 THENCE North 00°38'50" West 68.07 feet;
 THENCE North 88°40'07" East 52.25 feet;
 THENCE South 00°05'29" West 68.93 feet;
 THENCE South 89°59'24" East 19.16 feet;
 THENCE South 01°09'39" East 74.27 feet;
 THENCE South 73°11'21" East 23.36 feet;
 THENCE South 00°13'50" East 118.25 feet;
 THENCE South 53°12'36" East 63.26 feet;
 THENCE South 22°49'39" East 32.76 feet;
 THENCE South 41°44'53" East 47.34 feet;
 THENCE South 30°11'24" East 102.04 feet;
 THENCE North 57°51'51" East 151.10 feet;
 THENCE South 40°08'06" East 92.38 feet;
 THENCE South 43°57'44" East 59.04 feet;
 THENCE South 09°17'33" East 47.12 feet;
 THENCE North 72°40'16" East 143.84 feet;
 THENCE North 16°40'06" West 55.25 feet;
 THENCE North 10°22'08" East 105.73 feet;
 THENCE North 79°23'03" East 34.73 feet;
 THENCE North 03°28'34" West 137.35 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPTING a parcel of land set forth in that certain Warranty Deed to Michael R. Carter, a single man and William N. Carter, a single man on January 31, 2000 as Instrument No. 73703, and being more particularly described as follows:

BEGINNING at the Northwest corner of said Section 13;
 THENCE South 89°40'47" East a distance of 2,597.85 feet to the Northeast corner of the Northwest Quarter of said Section 13;
 THENCE South 58°14'06" West a distance of 1,502.94 feet;
 THENCE South 27°00'00" West a distance of 1,019.91 feet;
 THENCE South 28°15'59" West a distance of 193.15 feet;
 THENCE South 41°10'59" West a distance of 210.46 feet;
 THENCE South 51°33'26" West a distance of 192.68 feet;
 THENCE South 49°09'33" West a distance of 248.55 feet;
 THENCE North 79°56'12" West a distance of 126.42 feet;
 THENCE North 27°22'21" West a distance of 151.45 feet;
 THENCE North 40°00'25" West a distance of 145.99 feet to a point on the westerly boundary of said Northwest Quarter of Section 13;
 THENCE North 40°00'25" West a distance of 55.59 feet;
 THENCE South 78°27'41" West a distance of 52.25 feet;
 THENCE South 32°27'19" West a distance of 120.06 feet;
 THENCE South 40°36'34" East a distance of 103.72 feet;
 THENCE South 23°47'39" West a distance of 179.42 feet;
 THENCE South 32°53'25" West a distance of 294.94 feet;
 THENCE South 21°28'33" West a distance of 264.71 feet;
 THENCE South 42°31'25" West a distance of 310.78 feet;
 THENCE North 28°21'56" West a distance of 663.81 feet;
 THENCE North 45°41'04" West distance of 79.34 feet;
 THENCE North 88°17'27" West a distance of 229.46 feet;

THENCE North 18°28'39" West a distance of 2,567.79 feet to a point on the southerly boundary of the Southwest Quarter of said Section 11;
THENCE North 89°34'55" East a distance of 716.83 feet to the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 11;
THENCE North 0°27'52" West a distance of 1,315.67 feet to the Northwest corner of said Southeast Quarter of the Southeast Quarter;
THENCE North 89°38'12" East a distance of 1,320.77 feet to the Northeast corner of said Southeast Quarter of the Southeast Quarter;
THENCE South 0°35'39" East a distance of 1,314.41 feet to the Southeast corner of said Southeast Quarter of the Southeast Quarter and the TRUE POINT OF BEGINNING.

ALSO EXCEPTING a parcel of land deeded to the Newhouse Family Investments Limited Partnership, an Idaho limited liability partnership, on January 4, 1996 as Instrument No. 69690, and being more particularly described as follows:

BEGINNING at the Northwest corner of said Northwest Quarter of Section 14;
THENCE North 89°37'57" East a distance of 1,316.83 feet along the Northerly boundary of said Northwest Quarter to the Northwest corner of the Northeast Quarter of the Northwest Quarter and the TRUE POINT OF BEGINNING;
THENCE North 89°37'57" East a distance of 987.62 feet along the northerly boundary of said Northwest Quarter;
THENCE South 0°02'02" East a distance of 1,764.27 feet parallel with the Westerly boundary of the east half of said Northwest Quarter;
THENCE South 89°37'57" West a distance of 987.62 feet to a point on the westerly boundary of the east half of said Northwest Quarter;
THENCE North 0°02'02" West a distance of 1,764.27 feet along the westerly boundary of said East one half of the Northwest Quarter to the TRUE POINT OF BEGINNING.

ALSO EXCEPTING the West one half of the West one half.

ALSO EXCEPTING Fairway Estates Subdivision as the same appears on the official plat thereof recorded June 23, 1995 as Recorder's Instrument No. 69247, records of Camas County, Idaho.

ALSO EXCEPTING Homestead Subdivision, Camas County, Idaho, according to the plat thereof, recorded October 15, 1996 as Instrument No. 70498 in the Office of the county recorder of said County.

PARCEL NO. 4

Township 1 North, Range 13 East of the Boise Meridian, Camas County, Idaho

Section 23: SE¼NE¼NW¼ EXCEPTING there from that portion lying West of the existing channel of the West Fork of Threemile Creek. ALSO EXCEPTING that portion lying East of the existing County Road which runs Northerly and Southerly.

E½SE¼NW¼; E½NE¼SW¼; N½NE¼SE¼SW¼ EXCEPTING THERE FROM that portion lying East of the existing County Road which runs Northerly and Southerly.

PARCEL NO. 5

Township 1 North, Range 13 East of the Boise Meridian, Camas County, Idaho

Section 23: W½NE¼; NE¼NE¼; NW¼SE¼; N½N½SW¼SE¼ and that part of the SE¼SW¼ and the S½SE¼ lying South of the existing County Road which runs Westerly and Easterly.

EXCEPTING THEREFROM the following described tracts of land:

A parcel of land situated in Sections 14 and 23, Township 1 North, Range 13, East of the Boise Meridian, Camas County, Idaho, more particularly described as follows:

COMMENCING at a point South 09°54'21" East 4,262.79 feet from the North quarter corner of Section 14,
 being the TRUE POINT OF BEGINNING;
 THENCE North 65°32'47" East 267.68 feet;
 THENCE North 33°44'28" East 96.16 feet;
 THENCE North 10°55'13" East 703.46 feet;
 THENCE North 06°28'35" West 109.91 feet;
 THENCE North 18°47'56" East 383.61 feet;
 THENCE North 22°46'03" East 208.51 feet;
 THENCE North 13°40'41" East 220.92 feet;
 THENCE South 87°59'15" East 229.46 feet;
 THENCE South 45°22'52" East 79.34 feet;
 THENCE South 28°03'44" East 663.81 feet;
 THENCE South 06°59'32" West 219.37 feet;
 THENCE South 53°00'32" East 112.29 feet;
 THENCE South 17°04'39" West 795.86 feet;
 THENCE South 13°27'44" West 324.40 feet;
 THENCE South 32°11'53" East 207.95 feet;
 THENCE South 38°59'17" West 942.18 feet;
 THENCE South 19°36'22" East 241.07 feet;
 THENCE South 61°29'58" West 173.58 feet;
 THENCE South 08°11'28" West 104.11 feet;
 THENCE South 82°16'16" West 140.89 feet;
 THENCE South 14°35'31" West 29.25 feet;
 THENCE North 70°00'41" West 83.54 feet;
 THENCE South 19°55'28" West 124.11 feet;
 THENCE South 66°52'07" West 415.06 feet;
 THENCE North 79°18'18" West 562.56 feet;
 THENCE North 00°24'56" East 1,145.91 feet;
 THENCE North 10°18'44" East 245.13 feet;
 THENCE North 01°22'37" East 173.44 feet;
 THENCE North 85°51'54" West 150.84 feet;
 THENCE North 08°41'21" East 144.39 feet;
 THENCE North 81°48'14" East 79.13 feet;
 THENCE North 48°16'49" East 43.49 feet;
 THENCE North 07°08'35" West 59.94 feet;
 THENCE North 75°44'59" East 22.77 feet;
 THENCE North 38°49'11" East 20.50 feet;
 THENCE North 00°32'50" East 16.66 feet;
 THENCE North 13°28'40" West 40.76 feet;
 THENCE North 89°16'51" East 44.33 feet;
 THENCE North 00°38'50" West 68.07 feet;
 THENCE North 88°40'07" East 52.25 feet;
 THENCE South 00°05'29" West 68.93 feet;
 THENCE South 89°59'24" East 19.16 feet;
 THENCE South 01°09'39" East 74.27 feet;
 THENCE South 73°11'21" East 23.36 feet;
 THENCE South 00°13'50" East 118.25 feet;
 THENCE South 53°12'36" East 63.26 feet;
 THENCE South 22°49'39" East 32.76 feet;
 THENCE South 41°44'53" East 47.34 feet;
 THENCE South 30°11'24" East 102.04 feet;
 THENCE North 57°51'51" East 151.10 feet;
 THENCE South 40°08'06" East 92.38 feet;
 THENCE South 43°57'44" East 59.04 feet;
 THENCE South 09°17'33" East 47.12 feet;
 THENCE North 72°40'16" East 143.84 feet;
 THENCE North 16°40'06" West 55.25 feet;
 THENCE North 10°22'08" East 105.73 feet;
 THENCE North 79°23'03" East 34.73 feet;
 THENCE North 03°28'34" West 137.35 feet to the TRUE POINT OF BEGINNING.

PARCEL NO. 6

Township 1 North, Range 13 East, Boise Meridian, Camas County, Idaho

Section 24: NW¼NW¼

PARCEL NO. 7

Township 1 North, Range 13 East, Boise Meridian, Camas County, Idaho

Section 26: NW¼ EXCEPTING THERE FROM that portion lying West of the existing County Road

AND

N¼NE¼ EXCEPTING THEREFROM that portion of the NE¼NE¼ lying North of the existing County Road which runs easterly and westerly.

PARCEL NO. 8

Lots 2, 14, 15, 16 and 17 in Block 2; Lots 1, 2, 3 and 6 in Block 3; Lots 1, 2 and 5 in Block 4 all of FAIRWAY ESTATES SUBDIVISION, as the same appears on the Official plat thereof recorded June 23, 1995 as Instrument No. 69247, records of Camas County, Idaho.

PARCEL NO. 9

Lots 1, 2, 4, 5, 6, 7 and 8 in Block 1; Lots 1, 2, and 4 in Block 2; Lots 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19 in Block 3; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 in Block 4; Lot 2 in Block 5; Lots 1, 2, 3 and 4 in Block 6; Lots 1, 2, 3, 4, 5 and 6 in Block 7 all of HOMESTEAD SUBDIVISION, Camas County, Idaho, according to the plat thereof recorded October 15, 1996 as Instrument No. 70498 in the Office of the County Recorder of said County.

Parcel "A" of HOMESTEAD SUBDIVISION, Camas County, Idaho, according to the plat thereof recorded October 15, 1996 as Instrument No. 70498 in the Office of the County Recorder of said County.

The parcel of real property on which all roads and cul-de-sacs are located within the platted area of HOMESTEAD SUBDIVISION, Camas County, Idaho, according to the plat thereof recorded October 15, 1996 as Instrument No. 70498 in the Office of the County Recorder of said County.

The parcel of real property on which all roads and cul-de-sacs are located within the platted area of FAIRWAY ESTATES SUBDIVISION, Camas County, Idaho, according to the plat thereof recorded June 23, 1995 as Instrument No. 69247, records of Camas County, Idaho.

EXHIBIT "2" TO WARRANTY DEED

WATER RIGHTS

37-368B

37-409B

37-2076B

All that portion of 37-13366 appurtenant to the Property

EXHIBIT "3" TO WARRANTY DEED

EXCEPTIONS TO TITLE

1. General Taxes for 2005 are an accruing lien, not yet due or payable.
2. Terms and conditions of Multiple Ditch Right of Way as set out in Decree recorded Book 1 of Orders and Decrees, page 435. (As to Parcel 3)
3. Terms and conditions of Multiple Ditch Right of Way as set out in Decree recorded Book 3 of Miscellaneous page 74. (As to Parcel No. 3)
4. EASEMENT, and the Terms and Conditions thereof:
In Favor of Prairie Power Cooperative, a cooperative Corporation
Recorded April 18, 1984
Instrument No. 60291 (Affects All Parcels)
5. Road Easement dated July 14, 1987, recorded July 14, 1987 in Book 4 of Miscellaneous, page 726 as Instrument No. 63275. (Affects SE1/4, Section 23, T1N, R13E of Parcel No. 5)
6. Covenants, Conditions and Restrictions, (deleting there from any preference indicating limitation or discrimination based on race,color, religion, sex, handicap, familial status or national origin which would violate 42 USC 3604(c))
Recorded: March 11, 1994
Instrument No: 68356

AMENDMENT to Covenants, Conditions and Restrictions recorded July 7, 1994 as Instrument No. 68619.

AMENDMENT to Covenants, Conditions and Restrictions recorded June 29, 1995 as Instrument No. 69258.

AMENDMENT to Covenants, Conditions and Restrictions recorded October 18, 1995 as Instrument No. 69541.

AMENDMENT to Covenants, Conditions and Restrictions recorded September 2, 2003 as Instrument No. 76396.

7. Conditions and Restrictions contained in deed from VM Diamond Ranch, L.L.C., an Idaho limited liability company to SMR Development, L.C., an Idaho limited liability company recorded May 27, 1994 as Instrument No. 68531 (deleting there from any preference indicating limitation or discrimination based on race,color, religion, sex, handicap, familial status or national origin which would violate 42 USC 3604(c)).(As to Parcel No. 4)
8. Covenants, Conditions and Restrictions, (deleting there from any preference indicating limitation or discrimination based on race,color, religion, sex, handicap,

familial status or national origin which would violate 42 USC 3604(c)) recorded: June 27, 1995 as Instrument No: 69252 (As to Parcel No. 8)

AMENDMENT to Covenants, Conditions and Restrictions recorded July 24, 1995 as Instrument No. 69310.

9. All matters, covenants, conditions, restrictions, easements and any rights, interests of claims which may exist by reason thereof disclosed by the recorded plat of said Fairway Estates Subdivision recorded June 23, 1995 as Instrument No. 69247, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42-USC 3604(c). (As to Parcel No. 8)

10. Sanitary Restrictions recorded June 23, 1995 as Instrument No. 69247 (As to Parcel No. 8).

11. Terms, conditions, restrictions, easements, and reservations of Document recorded December 8, 1995 in Book 5 of Miscellaneous, page 594 as Instrument No. 69644 and re recorded December 11, 1995 in Book 5 of Miscellaneous at page 604 as Instrument No. 69651. (As to Parcel No. 1)

12. Terms, Conditions and Restrictions contained in Abandonment of Katzenmeyer Ditch Easement by and between VM Diamond Ranch, L.L.C. an Idaho limited liability company, its successors and assigns and SMR Development, L.C., an Idaho limited liability company and its successors and assigns, recorded October 8, 1996 as Instrument No. 70492 (deleting there from any preference indicating limitation or discrimination based on race,color, religion, sex, handicap, familial status or national origin which would violate 42 USC 3604(c)). (As to Parcel No. 1)

13. Terms, Conditions and Restrictions contained in Abandonment of Katzenmeyer Ditch Easement by and between SMR Development, L.C., an Idaho limited liability company and its successors and assigns and Newhouse Family Investments Limited Partnership, an Idaho limited partnership, M. Neal Newhouse, sole general partner, recorded October 8, 1996 as Instrument No. 70493 (deleting there from any preference indicating limitation or discrimination based on race,color, religion, sex, handicap, familial status or national origin which would violate 42 USC 3604(c)). (As to Parcel No. 1)

14. Easement, Covenants, Conditions and Servitudes for Homestead Subdivision, (deleting there from any preference indicating limitation or discrimination based on race,color, religion, sex, handicap, familial status or national origin which would violate 42 USC 3604(c)), recorded October 15, 1996, as Instrument No. 70499 , records of Camas County, Idaho. (As to Parcel No. 9)

15. All matters, covenants, conditions, restrictions, easements, sanitary restrictions and any rights, interests of claims which may exist by reason thereof disclosed by the recorded plat of Homestead Subdivision recorded October 15, 1996 as Instrument No. 70498, said subdivision, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap,

familial status, or national origin to the extent such covenants, conditions or restrictions violate 42-USC 3604(c). (As to Parcel No. 9)

16. An Easement for underground power line and the terms and provisions thereof, in favor of Idaho Power Company, a corporation recorded December 9, 1996, as Instrument No. 70602 (As to Parcel No. 1).

17. An Easement for Public Vehicular, Horse and Foot Access and the terms and provisions thereof, in favor of the United States of America recorded January 14, 1997, as Instrument No. 70697 (As to Parcel No. 1).

18. Pressurized Water Line Easement Agreement and the terms, conditions and provisions contained therein by and between Newhouse Family Investments Limited Partnership, an Idaho limited partnership and SMR Developments, L.C., an Idaho limited liability company, dated May 5, 2003, recorded June 3, 2003 as Instrument No. 76161 (As to Parcel No. 9).

19. Terms, conditions, restrictions, easements, and reservations in Easement for Water Pipeline, Construction, Repair and Maintenance by and between SMR Development, L.C., an Idaho limited liability company and its successors and assigns and Michael R. Carter, a single man, recorded December 8, 1995 in Book 5 of Miscellaneous, page 590 as Instrument No. 69643. (As to Parcel No. 3).

20. Any question that may arise due to shifting or change in the course of the Fork of Threemile Creek or due to the Fork of Threemile Creek having shifted or changed its course.

21. Rights of the future Homeowners Association. Affects Parcel "A" as shown on the plat of Homestead Subdivision recorded October 15, 1996 as Instrument No. 70498.

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: **A37-00368B**
Date Received: 2/15/1990
Receipt No: X777777
Received By: O/C HLB

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: SMR DEVELOPMENT LC 208-376-6346
Address: 7878 USTICK ROAD
BOISE ID 83704

2. Date of Priority: JUN 15, 1884

3. Source: THREEMILE CREEK, WEST FORK Trib. to: THREEMILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	13E	14	SE	SE	SW		CAMAS

5. Description of diverting works:
DAMS AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.500		

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

8. Total consumptive use is 62.4 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	13E	23	NE	NW		IRR	5.0
			SE	NW		IRR	20.0
Section Acres							25.0

10. Place of Use: Continued

Total Acres 25.0

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:
 A37-00409

14. Remarks:

 OWNERSHIP CHANGE PER FORM 42-1409(7). CLF 6-23-95

 OWNERSHIP CHANGE FROM A37-00368 RESULTED IN A SPLIT. THE "A"
 PORTION BELONGS TO VM DIAMOND. THE "B" PORTION BELONGS TO SMR
 DEVELOPMENT. WARRANTY DEED AND MAP PROVIDED FOR PROOF.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

S.C. FROST, ET AL

Decree Plaintiff

ALTURAS WATER CO., ET AL

vs

Decree Defendant



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

SEP 05 1996

DATE OF CLOSING: 5/3/94

Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: Township 1 N Range 13 E
Section 23, SE 1/4 of NE 1/4 of NW 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet. see attached Warranty Deed.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s)
Assigned by IDWR:

Portions of A37-00409, A37-00368, A37-02076

☐ Name and Address of Former
Owner/Claimant(s)(Seller):

VM Diamond Ranch LLC
PO Box 190690 Boise, ID 83719

☐ New Owner/Claimant
(Purchaser):

SMR Development, L.C.

☐ New Mailing Address:

7878 Ustick Rd.
Boise ID 83704

☐ New Telephone Number:

(208) 376-6346

☐ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

0.50 a/c of A37-00368 25 acres

0.35 a/c of A37-00409 50 acres

0.10 a/c of A37-02076 5 acres

50 acres

☒ Attach proof of
ownership, describe
proof attached:

Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New
Owner/Claimant(s)

William Hunter

Date 7/25/96

Date

☐ Signature of Former
Owner/Claimant(s):

Date

Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 4/1/97 By: HLB

Claim Numbers of Split, if any:

RECEIVED

SEP 10 1996

Department of Water Resources
Southern Region

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

WARRANTY DEED

RECEIVED

SEP 05 1996

Department of Water Resources

(WITH RESERVED COVENANT RESTRICTING USE)

FOR VALUABLE CONSIDERATION RECEIVED, VM DIAMOND RANCH, L.L.C., an Idaho limited liability company (hereinafter the "GRANTOR"), hereby grants, bargains, sells, conveys and confirms unto SMR Development, L.C., an Idaho limited liability company (hereinafter "GRANTEE"), its successors and assigns forever, a parcel of land situated in Township 1 North, Range 13 East, Boise Meridian, County of Camas, State of Idaho, more particularly described as follows:

Section 23 --

SE 1/4 NE 1/4 NW 1/4 excepting that portion lying West of the Existing Channel of the West Fork of Threemile Creek. Also excepting that portion lying East of the existing County Road which runs northerly and southerly.

E1/2 SE1/4 NW1/4, E1/2 NE1/4 SW1/4, N1/2 NE1/4 SE1/4 SW1/4 excepting that portion lying East of the existing County Road which runs northerly and southerly.

(hereinafter the "Property");

TOGETHER WITH all and singular the improvements, tenements, hereditaments, easements, covenants and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainders, rents, issues and profits thereof; and

SUBJECT TO the Exceptions to Title described on Exhibit "1" attached hereto, and by this reference made a part hereof and rights-of-way and easements visible on inspection of the Property, and the following covenant and servitude hereby reserved by GRANTOR:

COVENANT

For the benefit of the adjacent property owned by GRANTOR located in the County of Camas, State of Idaho

and more particularly described as that portion of the W1/2 of Section 23, Township 1 North, Range 13 East, Boise Meridian which is not the Property, and excepting that portion of said Section 23 lying East of the existing County Road which runs northerly and southerly (the "Adjacent Property"), and so long as the use of such Adjacent Property is restricted by an agricultural zoning designation thereon under the Camas County Zoning Ordinance, the use of the Property by GRANTEE, its successors and assigns, is restricted to the operation of a golf course thereon and otherwise for agricultural purposes, and no dwellings, structures or improvements (other than fences) shall be placed on the Property except as related to the operation of a golf course.

This Covenant is binding upon, and benefits, the GRANTOR, THE GRANTEE, and their respective successors and assigns to the Adjacent Property and the Property.

Subject to those exceptions to title to which this conveyance is expressly made subject and those made, suffered or done by the GRANTEE, the GRANTOR covenants to the GRANTEE, its successors and assigns, that the GRANTEE shall enjoy the quiet and peaceful possession of the Property, and GRANTOR warrants to the GRANTEE, its successors and assigns, that GRANTOR is the owner of the Property in fee simple and has the right and authority to convey the same to GRANTEE, and it will defend the same from all lawful claims arising by, through and under the GRANTOR whatsoever.

The current address of the GRANTEE is:

SMR Development, L.C.
4477 Emerald Street, Suite C-250,
Boise, Idaho 83706

IN WITNESS WHEREOF, this WARRANTY DEED has been duly executed by and on behalf of GRANTOR by all its members, who have been duly authorized to sign on behalf of GRANTOR by its members, the _____ day of _____, 1994.

GRANTOR
VM DIAMOND RANCH, L.L.C.

by Jerry Mobley
Member

by Virginia Vanderpool
Member

by V. L. Vanderpool Company, Inc.
Member

by Virginia Vanderpool
President

Attest:

Jerry Mobley
Secretary

STATE OF IDAHO)

) ss:

County of Ada)

On this 3rd day of May, 1994, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared VIRGINIA L. VANDERPOOL and JERRY MOBLEY, known or identified to me to be Members of the limited liability company that executed this instrument or the persons who executed this instrument on behalf of said limited liability company, and acknowledged to me that such company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Kelly Coates
Notary Public for the State of Idaho
Residing at Boise Idaho
My Commission Expires on 11/10/ 1999

STATE OF IDAHO)

) ss:

County of Ada)

On this 3rd day of May, 1994, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Virginia Vanderpool and Jerry Mobley, known or identified to me to be the President and the Secretary, respectively, of the Corporation that executed this instrument or the persons who executed this instrument on behalf of said Corporation as a Member of the limited liability company that executed this instrument, and acknowledged to me that such corporation executed the same as a Member of such limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Kelly Coates
Notary Public for the State of Idaho
Residing at Boise Idaho
My Commission Expires on 11/10/ 1999

EXHIBIT "1" TO WARRANTY DEED

EXCEPTIONS TO TITLE

General taxes and assessments for the year 1994, which are a lien not yet due and payable.

Master Declaration of Easements, Covenants and Servitudes for Hidden Paradise Ranch of even date with this Warranty Deed, recorded the 11th day of March, 1994, as instrument number 68356, records of Camas County, Idaho.

Right of way for three ditches over and across the E1/2 SW1/4 of Section 14, Township 1 North, Range 13 East, Boise Meridian, ~~as set out in Decree recorded in Book 1 Order and Decrees, page 435 and Book 3 of Miscellaneous, page 74, records of Camas County, Idaho.~~

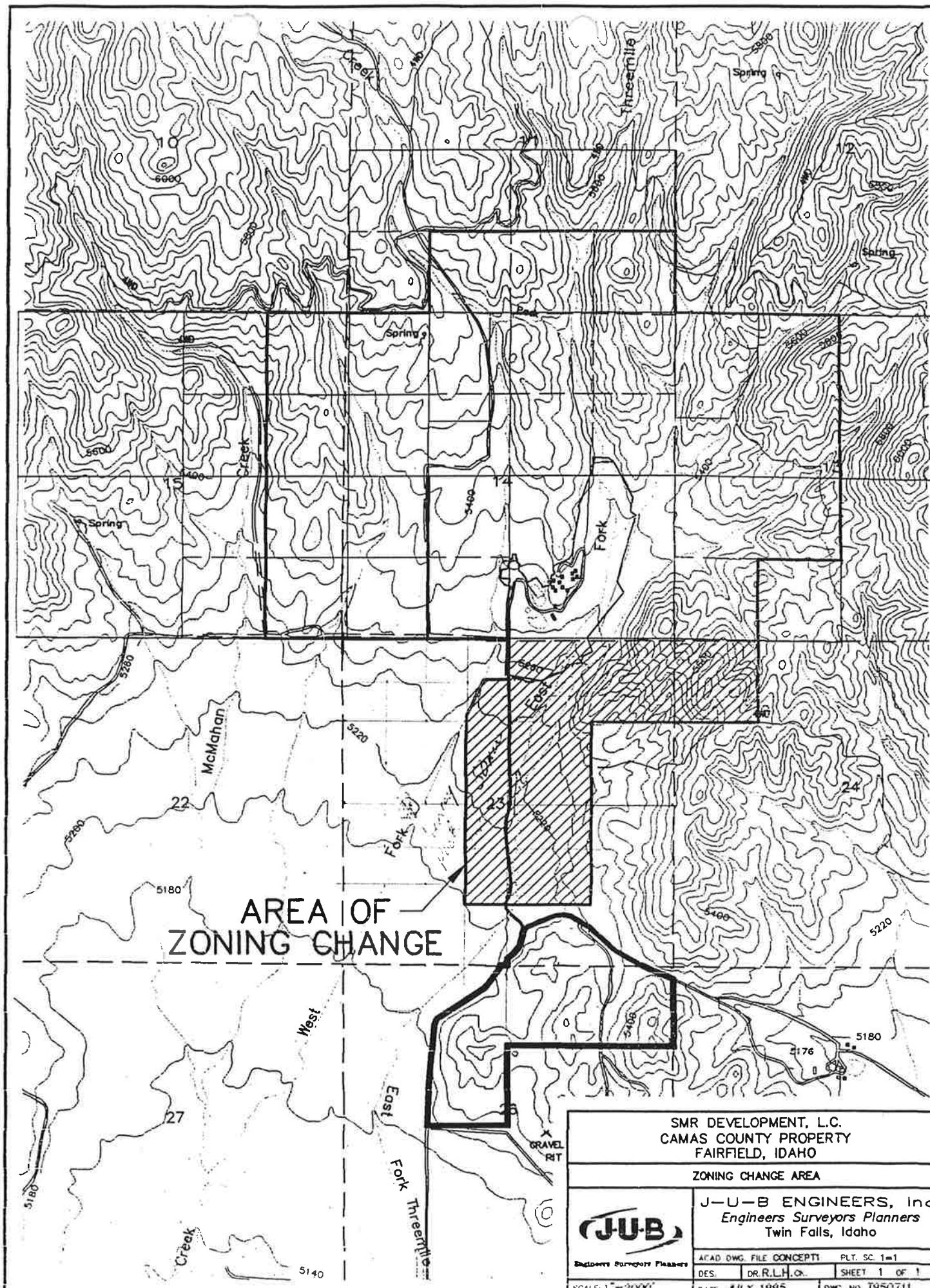
Road Easement dated July 14, 1987, executed by Darrell L. Burchard as Manager of Hidden Paradise Association, to Camas County, Idaho, for perpetual road easement and right-of-way over the SE1/4 of Section 23, Township 1 North, Range 13 East, Boise Meridian, recorded July 14, 1987 in Book 4 of Miscellaneous, page 726, as Recorder's instrument Number 63275, records of Camas County, Idaho.

Right-of-way Easement dated July 16, 1984, executed by Hidden Paradise Ranch Property Owner's Association, Inc. to Prairie Power Cooperative, a cooperative corporation, recorded July 18, 1984 in Book 25 of Deeds, page 33, as Recorder's instrument Number 60291, records of Camas County, Idaho.

68531

Recorded at the Request of

CAMAS ABSTRACT
at 4:15 P.M.5-27, 19 94,in Book 29of DEEDS Page 114.ROLLIE BENNETT
CAMAS COUNTY RECORDERBy [Signature]Fees \$ 15.00



SMR DEVELOPMENT, L.C.
CAMAS COUNTY PROPERTY
FAIRFIELD, IDAHO

ZONING CHANGE AREA

JUB

Engineers Surveyors Planners

J-U-B ENGINEERS, Inc.
Engineers Surveyors Planners
Twin Falls, Idaho

ACAD DWG. FILE CONCEPT PLT. SC 1=1

DES. DR. R.L.H. SHEET 1 OF 1

DATE: JULY 1995 DWG. NO. T950711

SCALE: 1"=2000'



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

APR 1, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SMR DEVELOPMENT L.C.
7878 USTICK ROAD
BOISE ID 83704

RE: SRBA CLAIM(S): A37-00409, A37-00368, A37-02076 (SPLIT)
VM DIAMOND RANCH

DEAR CLAIMANT(S):

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIM(S), WE HAVE CHANGED THE DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THESE COPIES ARE FOR YOUR RECORDS.** PLEASE REVIEW THESE RECORDS FOR ACCURACY.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CALL ME AT THIS OFFICE.

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/tlb
ENCLOSURES

CC: VM DIAMOND RANCH, PO BOX 190690, BOISE ID 83719

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: A37-00368
Date Received: 2/15/1990
Receipt No: S011216
Received By: S.C.C.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HIDDEN PARADISE RANCH OWNERS ASSN. 208-764-2506
Address: P.O. BOX 279
FAIRFIELD, ID 83327

2. Date of Priority: JUN 15, 1884

3. Source: THREEMILE CREEK, WEST FORK Trib. to: THREEMILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	13E	14	SE	SE	SW		CAMAS

5. Description of diverting works:
DAMS AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.200		

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

8. Total consumptive use is 400.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/500 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	13E	23	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0

A37-00368

Page 1

Date: 02/15/90

MICROFILMED
FEB 22 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	13E	23	SE	NW		IRR	40.0

Section Acres 160.0

Total Acres 160.0

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:
A37-00409

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

S.C. FROST, ET AL
Decree Plaintiff

vs

ALTURAS WATER CO., ET AL
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 Organizations:

I do solemnly swear or affirm that I am Vice Pres. of Hidden Paradise Ranch that I have signed the foregoing document in the space below as Vice Pres. of Hidden Paradise Ranch and that the statements contained in the foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

V.P. Hidden Paradise Ranch
Title and Organization

2-15-90
Date

State of Idaho)
County of T.F.) SS.

Subscribed and sworn (or affirmed) before me this 15 day
of Feb. 19 90

[Signature]
Notary Public

Seal

Residing at T.F.

My Commission Expires 5/94

SRBA

SUBCASE SUMMARY REPORT 37-00368B

[Return to SRBA Home Page](#)

SRBA
06-25-2008

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 37-00368B FILE#: 00930
CLAIMANT: SMOKEY DOME LLC
C/O GREGORY VIK
PO BOX 1607

BELLEVUE WA 98009

STATUS: REFERRED UNOBJECTED SPECIAL MASTER: BILYEU, BRIGETTE
WATER SOURCE: WEST FORK THREEMILE CREEK TRIBUTARY: THREEMILE CREEK

**** PARTIES INVOLVED ****

SMOKEY DOME LLC

C ATTY: JAMES P. SPECK

**** ROA ENTRIES ****

09-11-2007 OVERLAPS W/ CONTESTED RIGHT 37-409B, 37-2076B

[Return to SRBA Home Page](#)

10/16/2006

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

RIGHT NUMBER: 37-368B

NAME AND ADDRESS: SMR DEVELOPMENT LC
7878 USTICK RD
BOISE ID 83704

*Ownership
change
to
Smoky Dome LLC*

SOURCE: WEST FORK THREEMILE CREEK

TRIBUTARY: THREEMILE CREEK

QUANTITY: 0.500 CFS

PRIORITY DATE: 06/15/1884

POINT OF DIVERSION:

T01N R13E S23 NENENW Within CAMAS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.500 CFS

PLACE OF USE: IRRIGATION Within CAMAS County

T01N R13E S23	NENW	7.80	T01N R13E S23	SENW	20.00
T01N R13E S23	NESW	20.00	T01N R13E S23	SESW	5.00

52.8 ACRES TOTAL

This right is limited to the irrigation of 25 acres within the place of use described above in a single irrigation season.

Right Nos. 37-368B, 37-409B and 37-2076B are limited to the irrigation of a combined total of 52.8 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



Idaho Department of Water Resources

SRBA Recommendation:

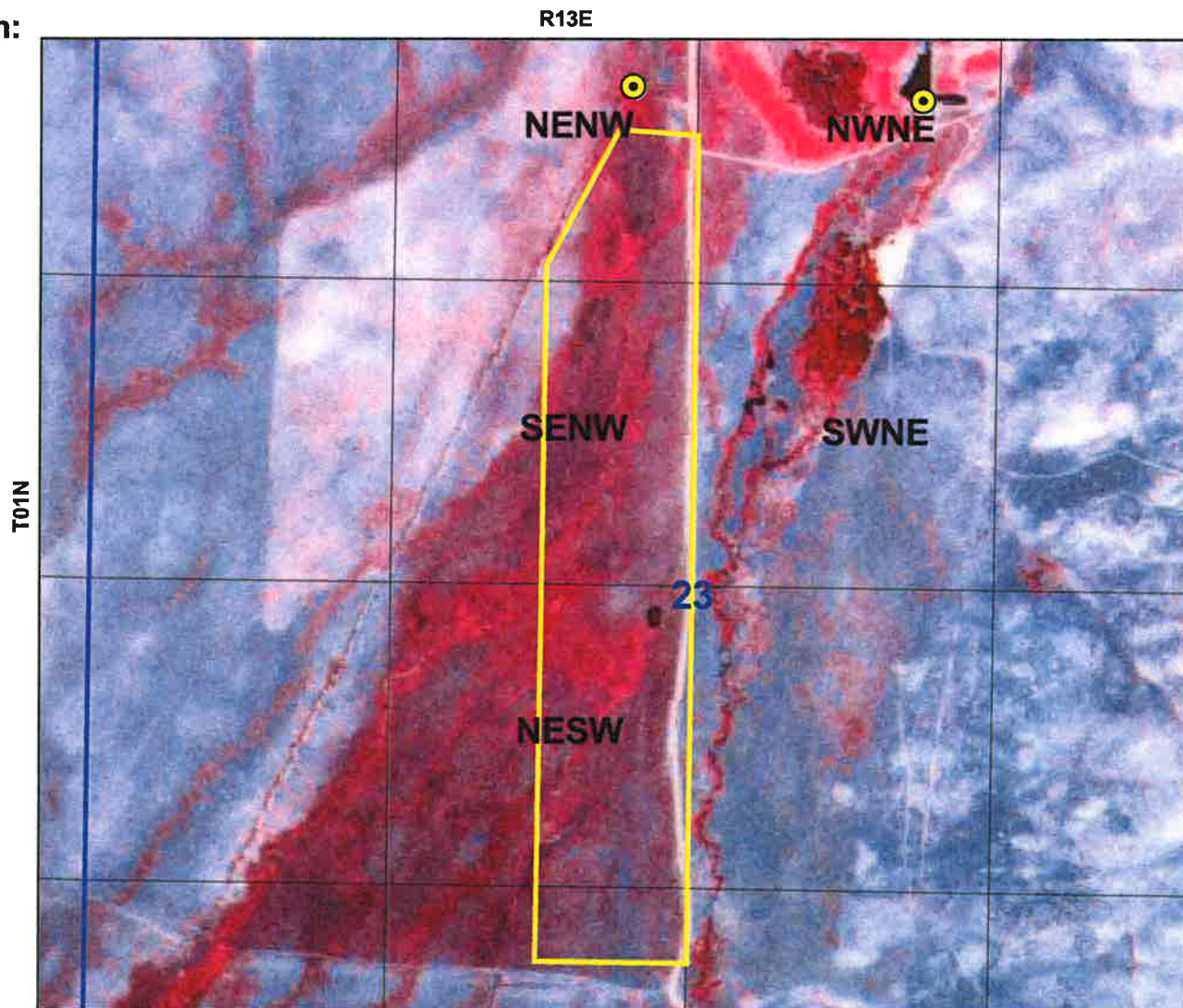
37-368B
37-409B
37-2076B

Legend

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



Camas County
IDWR Basin 37



0 0.3 0.6 Miles

Prepared by S. Clelland
On Tuesday, October 17, 2006
1987/88 Aerial Photography

37-368B

10/16/06

POD: claimed POD was not able to deliver water to claimed POU. Changed to actual POD delivery found at Exam.

POU: overlap with all 3 claims on same acres
add combined use limits

G15 = 52.8 AC

- 368B	25 AC
- 2076B	5 AC
- 409B	50 AC

TIN
RIBE

14 13

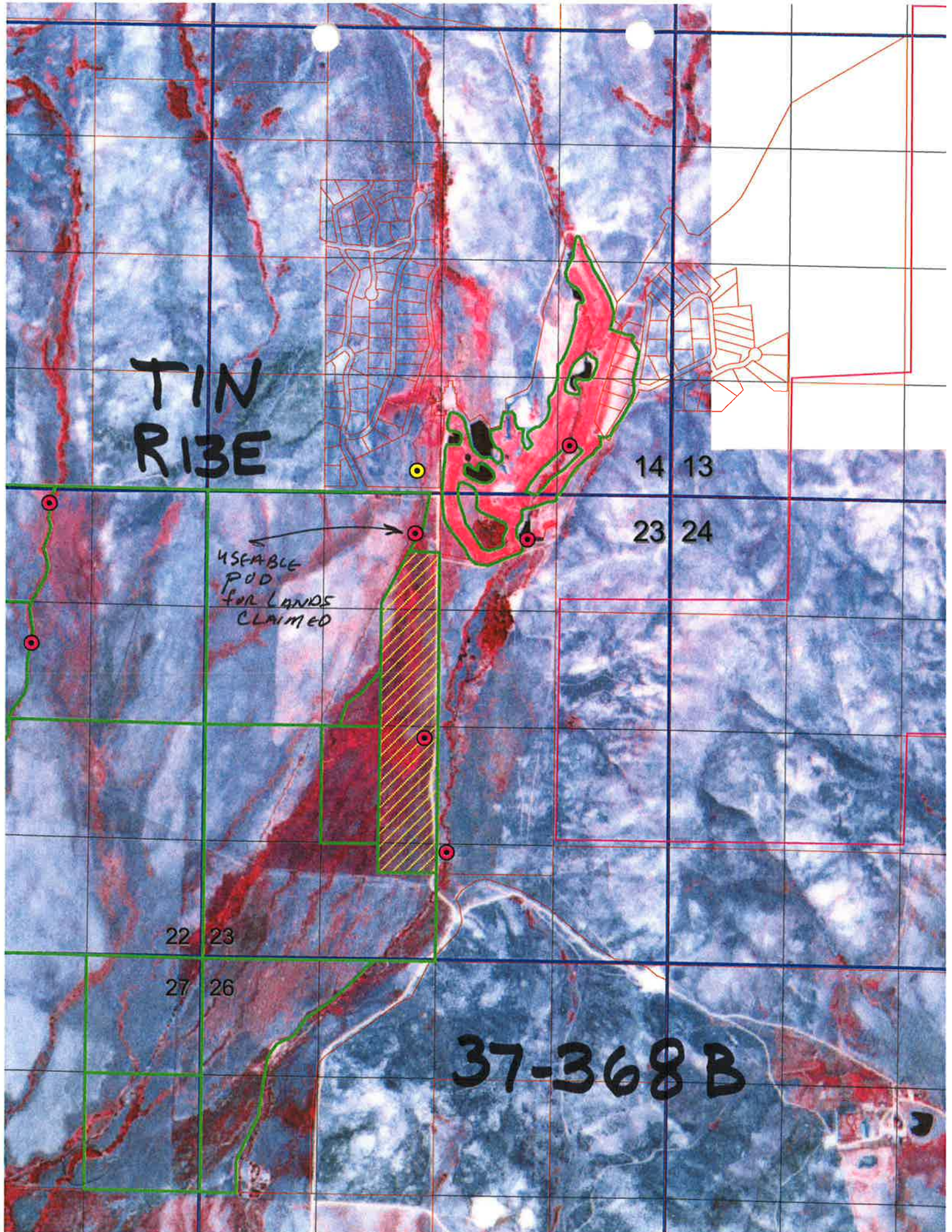
23 24

USEABLE
POD
for LANDS
CLAIMED

22 23

27 26

37-368B



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-368

WATER RIGHT NUMBER: 37-368

Owner TypeName and Address

Current Owner

EVA K KATZENMEYER

 $\mathbb{Z}$

Priority Date: 06/15/1884

Basis: Decreed

Status: Active

Source

WEST FORK THREEMILE CREEK

Tributary

THREEMILE CREEK

Beneficial Use

IRRIGATION

From To

/ to /

Diversion Rate

3.200 CFS

Annual Volume

Total Diversion:

3.200 CFS

Location of Point(s) of Diversion

WEST FORK THREEMILE CREEK

CAMAS County

SE1/4SW1/4

Sec. 11, Twp 01N, Rge 13E, B.M.

WEST FORK THREEMILE CREEK

CAMAS County

SE1/4SW1/4

Sec. 14, Twp 01N, Rge 13E, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
01N	13E	23					X	X	X	X									

Conditions of Approval:

1. P/D DESCRIBED IN LEEK, ET. AL. VS. SMITH, ET. AL., 4-29-1937.
BASED ON P/D, CORRECT SOURCE IS TAKEN FROM USGS MAP.

Remarks:Comments:

Jones, Doug

From: Jim Speck [jimspeck@cox-internet.com]
Sent: Sunday, May 23, 2004 4:57 PM
To: 'Mr. Doug Jones'
Cc: 'Ms. Kathy Ackerman'; 'Mr. Rod Gonsales'; 'Mr. Chuck Hill'; 'James D. Hovren'; 'Mr. M. Neal Newhouse'
Subject: Re: Diamond/Soldier Properties/Soldier Mt. Resort

Doug,

I need copies of the SRBA claim files for the following as soon as you can get them to me!!

37-2227 & 37-19832 (Camas Properties, Inc.)
37-368B, 37-409B & 37-2076B (SMR Development LC)

Thanks again for all your help in these matters.

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jimspeck@cox-internet.com

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