

RECEIVED

FEB 11 2022

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Eastern Region

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
22-7509 ²	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name:

John H. Smith INC

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s):

DS+S INC

Name of each new owner as listed on the conveyance document

DS+S INC, Harvey Bert Summers, Ashlee Ricks

New owner continued ☐ and ☐ or ☒ and/or

1500 S 3000 E

Mailing address

Sugar City

City

State

ZIP

(208) 631-0119

Telephone

summersb11@hotmail.com

Email

4. If the water rights and/or adjudication claims were split, how did the division occur?

- ☒ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: May 13, 2008

6. This form must be signed and submitted with the following REQUIRED items:

- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- Filing fee (see instructions for further explanation):
 - o \$25 per undivided water right.
 - o \$100 per split water right.
 - o No fee is required for pending adjudication claims.

7. Signature:

Signature of new owner/claimant

Title, if applicable

Date

Signature:

Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by

Date

Receipt No.

Receipt Amt.

Approved by

Processed by

Date

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/7/2018

WATER RIGHT NO. 22-7509

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN H SMITH & SONS INC PO BOX 375 REXBURG, ID 83440 2083569009
Original Owner	JOHN H SMITH PO BOX 375 REXBURG, ID 83440 2083563935

Priority Date: 07/01/1985
Basis: License
Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/15	10/15	2.78 CFS	
Total Diversion			2.78 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SENE|Sec. 21|Township 06N|Range 40E|MADISON County
GROUND WATER|SWNE|Sec. 28|Township 06N|Range 40E|MADISON County

Licensed Diversion Capacity: 8.4

Place(s) of use:

Place of Use Legal Description: IRRIGATION MADISON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	40E	21		SWNE	29									
				NWSE	30		SWSE	40		SESE	40			

Total Acres: 139

Conditions of Approval:

1. 049 The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
The right holder shall use the full allotment of appurtenant surface water rights, to the extent they are available, in conjunction with groundwater diverted pursuant to this right. This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the
2. Department. This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 486.5 af for the lands above. This right uses the same wells as the rights listed below and when combined with those rights shall not exceed a diversion rate of 8.4 cfs. The combined rights include: 22-02156, 22-07054, 22-07510 and 22-07538.
3. 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

Dates:

Licensed Date: 03/09/1995

Decreed Date:

Permit Proof Due Date: 1/1/1991

Permit Proof Made Date: 10/29/1990

Permit Approved Date: 12/14/1989

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 07/01/1985

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 100

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False



Instrument # 345848

REXBURG, MADISON, IDAHO

5-13-2008

04:53:00 No. of Pages: 4

Recorded for : ALLIANCE TITLE AND ESCROW

MARILYN R. RASMUSSEN

Ex-Officio Recorder Deputy

Fee: 12.00

COPY

ALLIANCE TITLE & ESCROW

BOX 732

REXBURG, ID 83440

304 0818157 TM

WARRANTY DEED

THIS INDENTURE is made this 13 day of May, 2008, by John H. Smith & Sons, Inc., an Idaho corporation, referred to as the Grantor, and D S & S, Inc., an Idaho corporation, referred to as the Grantee, whose mailing address is 1500 South 3000 East, Sugar City, Idaho, 83448.

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the Grantee's heirs and assigns forever, all of the following described property in the County of Madison, State of Idaho, to-wit:

Tract 1:

East Half of Section 21, Township 6 North, Range 40 East Boise Meridian, Madison County, Idaho, lying South and East of the Woodmansee-Johnston Rexburg Mill Ditch.

Less: Northeast Quarter Southeast Quarter of said Section 21.

Together with an easement for right of way purposes to Tract 3 described as follows, to wit: Commencing at a point 790 feet, more or less, South of the Northwest Corner of the Northeast Quarter of said Section 21, Township and Range aforesaid, which point is the point of intersection of the West line of said Northeast Quarter and the South line of the county road; thence running in a Southerly direction along the said quarter section line, a distance of approximately 570 feet, to a point on the Southerly Bank of the Woodmansee-Johnston Rexburg Mill Ditch; thence in a Northeasterly direction along said South bank of said ditch to a point 25 feet east of the West line of said Northeast Quarter of said Section 21; thence Northerly on a line parallel with the West line of said Northeast Quarter of said Section 21 approximately 570 feet, to a point on the South line of said County Road; thence in a Southwesterly direction along said county road right of way line approximately 25 feet to the point of beginning.

Tract 2:

Northeast Quarter Southeast Quarter of Section 21, Township 6 North, Range 40 East, Boise Meridian, Madison County, Idaho.

Tract 3:

Northeast Quarter of Section 28, Township 6 North, Range 40 East Boise Meridian, Madison County, Idaho.

SUBJECT TO:

- (1) Easements, or claims of easements, not shown by the public records.
- (2) (i) unpatented mining claims; or (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof, whether or not the matters excepted are shown by the public records.
- (3) Levies and assessments of the Fremont-Madison Irrigation District, and the rights, powers and easements of said district as by law provided.
- (4) Right, title and interest of the Public in those portions of above described property falling within the bounds of roads and highways.
- (5) Any questions of location, boundary or area related to the Woodmansee-Johnston Rexburg Mill Ditch, including, but not limited to, any past or future changes in it.
- (6) All easements of record
- (7) Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the Property.
- (8) A Financing Statement recorded in the Office of the County Recorder of Madison County, Idaho on September 20, 2001 as Instrument No. 291466 and Continuation of such Financing Statement recorded on July 25, 2006 as Instrument No. 329775.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

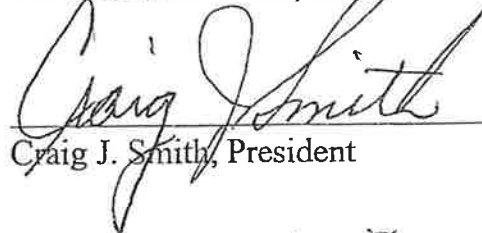
TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the Grantee's heirs and assigns, against the Grantor and the Grantor's heirs, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

In construing this Warranty Deed and where the context so requires, the singular includes the plural.

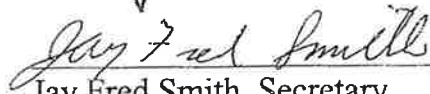
IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

JOHN H. SMITH & SONS, INC.

By:


Craig J. Smith, President

By:


Jay Fred Smith, Secretary

STATE OF IDAHO)
)ss.
County of Madison)

On the 13 day of May, 2008, before me, the undersigned, a notary public in and for said State, personally appeared Craig J. Smith, known or identified to me to be the president of John H. Smith & Sons, Inc, the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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.

(seal)

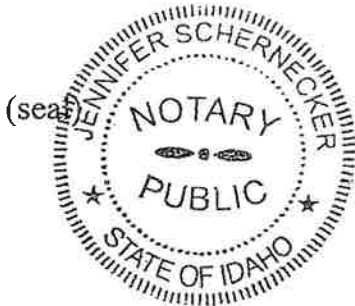


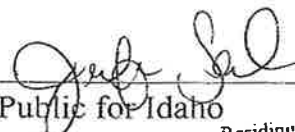

Notary Public for Idaho
Residing at: _____ Residing in Rigby, Idaho
My Commission Expires: _____ Commission Expires 07-15-2009

STATE OF IDAHO)
)ss.
County of Madison)

On the 13 day of May, 2008, before me, the undersigned, a notary public in and for said State, personally appeared Jay Fred Smith, known or identified to me to be the secretary of John H. Smith & Sons, Inc, the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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 Idaho
Residing at: _____ Residing in Rigby, Idaho
My Commission Expires: _____ Commission Expires 07-15-2009

5-11777-N
ALLIANCE

**CORRECTION WARRANTY DEED
CORRECTING WARRANTY DEED INSTRUMENT NO. 201886**

For Value Received JOHN H. SMITH and JUNE SMITH, husband and wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

JOHN H. SMITH AND SONS INC., an Idaho Corporation

whose current address is

PO BOX 375
Rexburg, Idaho 83440

the grantee(s), the following described premises, in Madison County Idaho, to wit:

SEE ATTACHED "EXHIBIT A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Subject to all existing patent reservations, easements, right of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations.

and that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated:

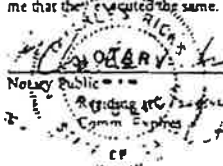
John H. Smith
John H. Smith

June Smith
June Smith

STATE OF Idaho, COUNTY OF Madison
On this 1 day of June, 1997
before me, a Notary Public in and for said State, personally
appeared

John H. Smith
June Smith

known to me to be the person(s) whose name(s)
subscribed to the within instrument and acknowledged to
me that they executed the same.


Notary Public
Residing at Rexburg, Idaho
Commission Expires 12/17/97

State of Idaho)
County of Madison) SS 266427
I hereby certify that the within instrument was
filed for recording on MAY 14 1997
at 10:00 AM
BOOKING # 266427
by SEYMOUR B. RESIDE
ALLIANCE TITLE & ESTATE

NE1/4 AND T.
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ALSO

NORTHEAST
MERIDIAN, N

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THE NW COR
WOODMAN'S
DITCH IN A
WITH THE C
THEN SOUTH

"EXHIBIT A"

266427

NE1/4 AND THE SE1/4 OF SECTION 21, TOWNSHIP 6 NORTH, RANGE 40 EAST, BOISE
MERIDIAN, MADISON COUNTY, IDAHO

ALSO

NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 6 NORTH, RANGE 40 EAST, BOISE
MERIDIAN, MADISON COUNTY, IDAHO.

EXCEPTING THEREFROM, A PARTIAL OF PROPERTY DESCRIBED AS FOLLOWS:
COMMENCING AT A POINT WHERE THE COUNTY ROAD INTERSECTS THE LINE BETWEEN
THE NE1/4 AND THE NW1/4 OF SECTION 21 AND PROCEEDING THENCE EAST A DISTANCE
OF 400 FEET, THENCE SOUTH 250 FEET; THENCE WEST 400 FEET; THENCE NORTH 250
FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM:

A PARTIAL OF LAND COMMENCING AT A POINT 660 FEET SOUTH AND 265 FEET EAST OF
THE NW CORNER OF THE NE1/4 OF SECTION 21, AND PROCEEDING THENCE EAST TO THE
WOODMANSEE/JOHNSON IRRIGATION DITCH, THENCE FOLLOWING THE IRRIGATION
DITCH IN A NORTHEASTERLY DIRECTION UNTIL SAID IRRIGATION DITCH INTERSECTS
WITH THE COUNTY ROAD, THENCE FOLLOWING THE COUNTY ROAD IN A WEST AND
THEN SOUTHWESTERLY DIRECTION BACK TO THE POINT OF BEGINNING.

This notice is
December 15,

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WARRANTY DEED

WARRANTY DEED made this 23rd of December 1983 between
H. SMITH, and JUNE SMITH, Husband and Wife, of 350 South
East City of Rexburg County of Madison, State of Idaho
hereinafter referred to as Grantors and JOHN H. SMITH & SONS,
INC. an Idaho Corporation with its principal place of
business at Route 4 Box 11 City of Rexburg County of Madison
State of Idaho, hereinafter referred to as Grantee,

WITNESSETH

That Grantors, for and in consideration of the sum of
TEN AND NO/100 DOLLARS and other valuable consideration, the
receipt of which is hereby acknowledged have granted,
conveyed, and sold, and do, by these presents grant bargain
sell convey, and confirm unto Grantee and its heirs and
assigns forever all the following described real property
situated in the County of Madison State of Idaho more
particularly described as follows:

***NE1/4 SE1/4 Section 21 Township 6 North
Range 40 East, Boise Meridian;

ALSO:

NE 1/4 of Section 28, Township 6 North Range
40 East, Boise Meridian.

EXCEPTING THEREFROM, a partial of property
described as follows:

Commencing at a point where the County road intersects the line between the NE1/4 and the NW1/4 of Section 21 and proceeding thence East a distance of 400 feet thence South 250 feet; thence West 400 feet; thence North 250 feet to the point of beginning.

ALSO EXCEPTING THEREFROM:

A partial of land commencing at a point 660 feet South and 265 feet East of the NW corner of the NE1/4 of Section 21 and proceeding thence East to the Woodmansee/Johnson irrigation ditch thence following the irrigation ditch in a northeasterly direction until said irrigation ditch intersects with the County road; thence following the County road in a West and then Southwesterly direction back to the point of beginning ***

TOGETHER with all and singular the tenements hereditaments and appurtenances thereunto belonging or in any wise appertaining the revers on and reversions remainder and remainders rents, issues, and profits thereof; and all estate, right, title and interest in and to the property as well in law as in equity.

TO HAVE AND TO HOLD, all and singular the above described premises together with the appurtenances unto Grantee and its heirs and assigns forever

And Grantors and their heirs shall and will WARRANT and by these presents forever defend the premises in the quiet and peaceable possession of Grantee its heirs and assigns against Grantors and their heirs and against all and every person and persons whomsoever, lawfully claim the same.

IN WITNESS WHEREOF, Grantors have hereto set their
hand on the day and year first above written.

John H. Smith
JOHN H. SMITH Grantor

June F. Smith
JUNE SMITH Grantor

STATE OF IDAHO)
COUNTY OF MADISON) SS.

On this 22 day of December in the year of 1983
before me a Notary Public in and for said State personally
appeared JOHN H. SMITH and JUNE F. SMITH, Husband and Wife,
known to me to be the persons whose names are subscribed to
the within instrument, and acknowledged to me that they
executed the same.



[Signature]
Notary Public
Residing in [Signature]
My Commission Expires [Signature]

INDEED
ss 201886
Dec. 30
83 at 4:30 P.M. and
201886
Fee 6.00
By WILLIS H. GARNER, Recorder
May Ann Clouston Deputy
At the request of R.J. Harper



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

March 07, 2022

D S & S INC
1500 S 3000 E
SUGAR CITY ID 83448-1231

Re: Change in Ownership for Water Right No(s): 22-7509

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

Please note the fee for this ownership change is \$25.00. The department received 69.50 with your application, therefore you are entitled to a refund of \$44.50. The refund has been initiated and should arrive from the state office in a couple of weeks.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 497-3787.

Sincerely,

Jonie Barg
Technical Records Specialist 1

Enclosure(s)

cc: IDAHO AGCREDIT FLCA
WATER DISTRICT 100
MADISON GROUND WATER DISTRICT

Barg, Jonie

From: Barg, Jonie
Sent: Monday, March 7, 2022 10:52 AM
To: IdwrPayable
Subject: Refund Request
Attachments: Receipt

Good morning!

I have a refund request as follows:

Receipt number: E047799
Amount: \$44.50
Payable to: DS & S Inc
1500 S 3000 E
Sugar City ID 83448

Reason: Ownership Change \$25.00 per water right, ownership change for 1 water right total fee paid 69.50. Overpaid by \$44.50. Therefore, the applicant is entitled to a partial refund of \$44.50.

Thank you so much for your time. Let me know if you have any questions.

Have a great day!!!



IDAHO DEPARTMENT OF
WATER RESOURCES

Jonie Barg | Technical Records Specialist
900 N Skyline Drive Ste. A, Idaho Falls, ID 83402
Phone number: (208) 525-7161
Fax number: (208) 525-7177
Email: jonie.barg@idwr.idaho.gov
Website: www.idwr.idaho.gov