

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## Notice of Change in Water Right Ownership

RECEIVED ✓

APR 20 2020

DEPT OF WATER RESOURCES  
SOUTHERN REGION

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. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

split:

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
37-8859	Yes <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
37-23250	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>

2. Previous Owner's Name: Smokey Dome LLC  
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Dallas and Candice Smith  
New owner(s) as listed on the conveyance document      Name connector ☐ and ☐ or ☒ and/or
- PO Box 518      Fairfield      ID      83327  
Mailing address      City      State      ZIP  
(208) 539-5900      dallasandcandicesmith@yahoo.com  
Telephone      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: October 23, 2019
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. 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):
    - ☐ \$25 per *undivided* water right.
    - ☐ \$100 per *split* water right.
    - ☐ No fee is required for pending adjudication claims.
  - ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
  - ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

SUPPORT DATA

IN FILE # 37-8859

8. Signature: [Signature]      Title, if applicable: \_\_\_\_\_      Date: 4/13/20  
Signature of new owner/claimant

Signature: Candice Smith      Title, if applicable: \_\_\_\_\_      Date: 4/13/20  
Signature of new owner/claimant

For IDWR Office Use Only: SP      Date: 9-14-2020      Receipt No. S038134      Receipt Amt. \$75-  
DM      Date: 4-20-2020      Receipt No. S037878      Receipt Amt. \$25-

Active in the Water Supply Bank? Yes ☐ No ☐      If yes, forward to the State Office for processing      W-9 received? Yes ☐ No ☐  
Name on W-9 \_\_\_\_\_      Approved by \_\_\_\_\_      Processed by MR      Date 9-23-2020

AFTER RECORDING MAIL TO:

Dallas Smith and Candice Smith  
PO Box 518  
Fairfield, ID 83327

CAMAS COUNTY  
RECORDED FOR:  
Clerk

03:11:19 PM 10-30-2019

**2019-089195**

No. PAGES: 3 FEE: \$15.00

KORRI BLODGETT  
COUNTY CLERK  
DEPUTY: KB

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## WARRANTY DEED

File No.: 867458GO (lr)

Date: **October 23, 2019**

For Value Received, **Smokey Dome LLC, a Washington limited liability company**, hereinafter referred to as Grantor, does hereby grant, bargain, sell and convey unto **Dallas Smith and Candice Smith, husband and wife**, hereinafter referred to as Grantee, whose current address is **PO Box 518, Fairfield, ID 83327**, the following described premises, situated in **Camas County, Idaho**, to wit:

**LEGAL DESCRIPTION:** Real property in the County of Camas, State of Idaho, described as follows:

**Section 23, Township 1 North, Range 13 East, Boise Meridian, Camas County, Idaho**

**A legal description for Tract 7, and being more particularly described as follows:**

Commencing at a 5/8" rebar with Aluminum Cap, marking the South Quarter Corner of Section 23, from which the Southwest Corner of Section 23, marked by a 5/8" rebar with Aluminum Cap, lies N89°33'36"W, 2656.46 feet distant; Thence Proceeding N00°23'43"E, 993.01 Feet, to a 5/8" rebar by LS 865, and being the TRUE POINT OF BEGINNING:

Thence N89°29'12"W, 663.06 Feet, to a 5/8" rebar by LS 865;  
Thence N00°25'47"E, 1656.18 Feet, to a 5/8" rebar by LS 16670;  
Thence N00°26'09"E, 1329.00 Feet, to a 5/8" rebar by LS 16670;  
Thence N00°06'17"W, 33.97 Feet, to a 5/8" rebar, being a Witness Corner to the Centerline of the West Fork of Threemile Creek;  
Thence N00°26'09"E, 60.95 Feet, to the Centerline of the West Fork of Threemile Creek;  
Thence along the Centerline of the West Fork of Threemile Creek;  
Thence N28°29'15"E, 46.74 Feet;  
Thence N39°28'56"E, 60.59 Feet;  
Thence N02°58'34"E, 67.57 Feet;  
Thence N70°34'11"E, 56.05 Feet;  
Thence N22°34'57"E, 76.41 Feet;  
Thence N18°18'33"E, 104.77 Feet;  
Thence N48°24'59"E, 66.02 Feet;  
Thence N22°40'51"E, 39.51 Feet;  
Thence N35°24'33"E, 39.30 Feet;  
Thence N20°02'53"E, 28.85 Feet;  
Thence N14°40'36"W, 39.17 Feet;

APN: RP01N3E233150A

Warranty Deed  
- continued

File No.: 867458GO (lr)  
Date: 10/23/2019

Thence N22°52'47"E, 49.55 Feet, witnessed by a 5/8" rebar that lies S89°28'05"E, 50.00 Feet distant;  
Thence leaving said Centerline of the West Fork of Threemile Creek, S89°28'05"E, 379.48 Feet, to a 5/8" rebar by LS 865;  
Thence S00°23'58"W, 31.15 Feet, to a 5/8" rebar by LS 16670;  
Thence S00°23'58"W, 633.53 Feet, to a 5/8" rebar by LS 16670;  
Thence S00°023'58"W, 1329.45 Feet, to the Center Quarter Corner, marked by a 5/8" rebar with Aluminum Cap;  
Thence S00°23'54"W, 186.50 Feet, to a 5/8" rebar by LS 16670;  
Thence S06°38'12"W, 358.93 Feet, to a 5/8" rebar by LS 16670;  
Thence S00°13'25"W, 164.02 Feet, to a 5/8" rebar by LS 16670;  
Thence S04°06'11"E, 490.57 Feet, to a 5/8" rebar by LS 16670;  
Thence S00°23'54"W, 458.94 Feet, to the TRUE POINT OF BEGINNING:

APN: RP01N3E233150A

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

APN: RP01N3E233150A

Warranty Deed  
- continued

File No.: 86745860 (lr)  
Date: 10/23/2019

Smokey Dome LLC, a Washington limited liability  
company

By: \_\_\_\_\_

Name: Chris J. Pollak  
Title: Vice President

STATE OF Washington )  
COUNTY OF KING )  
SS.

On this 23<sup>rd</sup> day of October, 2019, before me, a Notary Public in and for said State, personally appeared **Chris J. Pollak**, known or identified to me to be the person whose name is subscribed to the within Instrument as the Vice President of **Smokey Dome LLC, a Washington limited liability company**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that he executed the same in said Limited Liability Company's name.



Nancy H. Lukacs  
Notary Public of Washington  
Residing at: KIRKLAND, WA  
Commission Expires: 4-29-20



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858

Phone: (208)736-3033 • Fax: (208)736-3037 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

September 23, 2020

DALLAS E & CANDICE SMITH  
PO BOX 518  
FAIRFIELD ID 83327-0518

Re: Change in Water Right Ownership: 37-8859 (Split into 37-8859 and 37-23250),

Dear Water Right Holder(s):

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

**Your portion of each water right(s) has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right.** If you do not plan to change any elements of your water right, then no further action is required at this time.

You have both been added as current owners (Smokey Dome LLC is also a current owner) of the original water right 37-8859. The Department is sending Smokey Dome LLC a copy of this letter and a computer-generated report showing the changes to the original water right.

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) 736-3033.

Sincerely,

Michelle Richman  
Engineer

Enclosure(s)

c: CANDICE & DALLAS E SMITH  
SMOKEY DOME LLC  
Water District 37 **B**

## Fw: Ownership Change 37-8859 for Dallas and Candice Smith

**From** Candice Smith <dallasandcandicesmith@yahoo.com>  
**To** Ed Smith <tcrealty@northrim.net>  
**Date** 2020/07/30 10:33 pm

 Smith\_37-8859\_ProofReport.pdf (~39 KB)

Sent from Yahoo Mail for iPhone

Begin forwarded message:

*yes to  
split  
37 8859*

On Thursday, July 30, 2020, 1:16 PM, Richman, Michelle <Michelle.Richman@idwr.idaho.gov> wrote:

Greetings Dallas and Candice Smith,

I'm trying to process an ownership change per your application for water right 37-8859 and there are a few possible ways to complete it. I will need your input before proceeding. The water right is attached for your reference. As you will notice, the water right has five beneficial uses listed, three of which are for storage, and the remaining two are "Wildlife" and "Aesthetic". The issue is that the "Aesthetic" and "Wildlife" places of use (shown by the blue outline in the imagery below) extend beyond your property line (shown in purple). The storage places of use are contained within your property boundary (shown with red on the imagery below). Because the place of use for the "Aesthetic" and "Wildlife" uses extend beyond your property boundary, we'll need to leave Smokey Dome as owners of those two uses.

Your two options follow:

1) We can add you two as current owners to the attached water right 37-8859. You two and Smokey Dome would be shown as current owners on the water right. In this scenario, you've paid the \$25, and that would suffice.

2) We could instead split the storage uses off of WR 37-8859, and you could be the sole owners of the storage components of the water right since those are entirely within your property. For the remaining uses, we would add you two to the remaining uses (Aesthetic and Wildlife) along with Smokey Dome. In this scenario, the total cost would be \$100 for a water right split, and you've paid \$25, so we'd need an additional \$75.

I will likely be calling you soon, but I wanted you to have this imagery to refer to for your consideration. I'll be in the office until 5pm today and then again Monday - Thursday of next week. I hope we can connect by phone or via email.

Thanks,  
Michelle Richman,  
Southern Region Idaho Department of Water Resources  
208-736-3033

75<sup>00</sup> + Form  
Refer to Michelle letter  
paying additional 75<sup>00</sup> for split  
ATTN. to Michelle

**RE: Questions on new water right ownership (WD 37B)****Reeder, Jana** <Jana.Reeder@idwr.idaho.gov>

Wed 4/8/2020 1:35 PM

**To:** Rusty Krame <idahotrapguy@hotmail.com>**Cc:** Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>

Hi Rusty,

Our records show 37-4009B is appurtenant to the Smith property.. and yes they need to do a change of ownership on 37-8859. Please feel free to call me at 208-316-0809 if you want to discuss.

Hope all is well in your world☺

Jana

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**From:** Erickson, Nathan**Sent:** Wednesday, April 08, 2020 10:47 AM**To:** Reeder, Jana <Jana.Reeder@idwr.idaho.gov>**Subject:** Fwd: Questions on new water right ownership (WD 37B)

Hi Jana,

Could you look into this and figure out a response for Rusty. Let me know if you have any problems.

Thanks,

Nathan

Sent from my iPhone

Begin forwarded message:

**From:** Rusty Krame <waterdistrict37b@outlook.com>**Date:** April 7, 2020 at 6:39:40 PM MDT**To:** "Erickson, Nathan" <Nathan.Erickson@idwr.idaho.gov>**Subject:** Questions on new water right ownership (WD 37B)

Nathan,

Can you check into this or forward to someone else to look into. Here is the run down.

- Dallas and Candice Smith purchased a chunk of ground on West Fork of 3 Mile Creek last November 20th. 37-368B, 37-409B and 37-2076B.
- 37-409B is on East Fork. Dallas did not purchase ground on East Fork. How can he own this?
- 37-8859 is a aesthetic right that has ponds on Dallas's newly acquired property. Should he own that water right as well? I have his deed and I see nothing excluding any water rights.

Thank you

Rusty Kramer

Water District 37B Watermaster

208-870-3217

**RECEIVED****APR 20 2020**DEPT OF WATER RESOURCES  
SOUTHERN REGION