

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**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. 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.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
29-7900OK	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
29-110590OK	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
29-182AOK	Yes <input checked="" 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: Smith, Earl H; Smith Marilyn  
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Hukilau LLC  
New owner(s) as listed on the conveyance document Name connector  and  or  and/or

Mailing address: 91085 E. Maughan Road City: Lava Hot Springs State: ID ZIP: 83246  
Telephone: (801) 636-8190 Email: smiths.trout.haven@gmail.com

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 16, 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 # 29-182A

8. Signature: Karin Holladay Title, if applicable: manager Date: 4/14/2020  
Signature of new owner/claimant

Signature: \_\_\_\_\_ Title, if applicable: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature of new owner/claimant

**For IDWR Office Use Only:**

Received by M. Potts Date 4-16-20 Receipt No. E045814 Receipt Amt. 150.00  
 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 JB Processed by JB Date 7/2/20



135 N. Arthur Ave.  
Pocatello, ID 83204

ELECTRONICALLY RECORDED-DO NOT  
REMOVE THE COUNTY STAMPED FIRST  
PAGE AS IT IS NOW INCORPORATED AS  
PART OF THE ORIGINAL DOCUMENT

File No. 682014 MO/LW

### WARRANTY DEED

For Value Received Earl Harlan Smith and Marilyn Smith, husband and wife  
hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

*KH MK* Hukilau LLC

hereinafter referred to as Grantee, whose current address is 9685 East Maughan Lava Hot Springs, ID  
83246

The following described premises, to-wit:

**See Exhibit A attached hereto and made a part hereof.**

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and  
Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the  
said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are  
free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those  
made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions,  
dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies,  
and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable,  
and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: May 16, 2019

*Earl Harlan Smith*  
\_\_\_\_\_  
Earl Harlan Smith

*Marilyn Smith*  
\_\_\_\_\_  
Marilyn Smith

State of IDAHO, County of BANNOCK

This record was acknowledged before me on MAY 16th, 2019 by Earl Harlan Smith and Marilyn  
Smith

*Melinda Obay*  
\_\_\_\_\_  
Signature of notary public  
Commission Expires: 2-15-2022



A PARCEL OF LAND LOCATED IN SECTION 29, TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 29, THENCE NORTH  $89^{\circ}41'31''$  WEST 1648.72 FEET ALONG THE NORTH LINE OF SAID SECTION 29; THENCE SOUTH 42.75 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH  $89^{\circ}59'51''$  EAST 150.0 FEET ALONG THE SOUTH RIGHT OF WAY LINE OF MAUGHAN ROAD TO A 5/8-INCH REBAR WITH CAP; THENCE SOUTH  $03^{\circ}12'46''$  EAST 306.82 FEET TO A 5/8-INCH REBAR WITH CAP; THENCE SOUTH  $89^{\circ}59'51''$  WEST 134.39 FEET TO A 5/8-INCH REBAR WITH CAP; THENCE NORTH  $06^{\circ}06'42''$  WEST 308.08 FEET TO THE TRUE POINT OF BEGINNING.

A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 -OF SECTION 29, TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 29, FROM WHICH THE NORTH 1/4 CORNER OF SECTION 29 BEARS NORTH  $89^{\circ}41'31''$  WEST 2651.40 FEET; THENCE NORTH  $89^{\circ}41'31''$  WEST 1648.72 FEET ALONG THE NORTH BOUNDARY OF SAID SECTION 29; THENCE SOUTH 42.75 FEET TO A 5/8" REBAR AND CAP SET ON THE SOUTH RIGHT-OF-WAY LINE OF MAUGHAN ROAD; THENCE NORTH  $89^{\circ}59'51''$  EAST 150.08 FEET ALONG SAID RIGHT-OF-WAY LINE TO A 5/8" REBAR AND CAP, THE TRUE POINT OF -BEGINNTNG; THENCE NORTH  $89^{\circ}59'51''$  EAST 89.70 FEET TO THE BEGINNING AT A 155.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST; THENCE NORTHEASTERLY ALONG SAID CURVE (RIGHT-OF-WAY LINE) THROUGH A CENTRAL ANGLE OF  $22^{\circ}53'34''$  A DISTANCE OF 61.93 FEET TO A 5/8" REBAR AND CAP (CHORD NORTH  $78^{\circ}32'04''$  EAST 61.52 FEET); THENCE SOUTH  $00^{\circ}00'09''$  EAST 318.54 FEET TO A 5/8" REBAR AND CAP; THENCE SOUTH  $89^{\circ}59'51''$  WEST 132.82 FEET TO A 5/8" REBAR AND CAP; THENCE NORTH  $03^{\circ}12'46''$  WEST 306.82 FEET TO THE TRUE POINT OF BEGINNING.

A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 -OF SECTION 29, TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 29, FROM WHICH THE NORTH QUARTER CORNER OF SECTION 29 BEARS NORTH  $89^{\circ}41'31''$  WEST 2651.40 FEET; THENCE NORTH  $89^{\circ}41'31''$  WEST 1648.72 FEET ALONG THE NORTH BOUNDARY OF SAID SECTION 29; THENCE SOUTH 42.75 FEET TO 5/8" REBAR AND CAP SET ON THE SOUTH RIGHT OF WAY LINE OF MAUGHAN ROAD; THE TRUE POINT OF BEGINNING; THENCE SOUTH  $06^{\circ}06'42''$  EAST 308.08 FEET TO A 5/8" REBAR AND CAP; THENCE SOUTH  $89^{\circ}59'51''$  WEST 135.70 FEET TO A 5/8 REBAR AND CAP; THENCE NORTH  $08^{\circ}22'02''$  WEST 197.50 FEET TO A 5/8" REBAR AND CAP; THENCE NORTH  $09^{\circ}23'53''$  WEST 112.45 FEET TO A 5/8" REBAR AND CAP SET ON SAID SOUTH RIGHT OF WAY LINE THENCE NORTH  $89^{\circ}59'51''$  EAST 150.00 FEET ALONG SAID RIGHT OF WAY LINE TO THE TRUE POINT OF BEGINNING.

MBS

KH W/H

**EXHIBIT A**

THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO.

ALSO, THAT CERTAIN TRACT OF LAND BEING IN THE -SOUTHWESTERLY PORTION OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHWEST 1/4 OF THE NORTHWEST 1/4 WHICH IS ALSO THE NORTHWEST 1/16 CORNER OF SAID SECTION; RUNNING THENCE NORTH 89°46' WEST ALONG THE SOUTH BOUNDARY LINE OF SAID NORTHWEST 1/4 OF THE NORTHWEST 1/4 A DISTANCE OF 420 FEET TO THE TRUE POINT OF BEGINNING; - RUNNING THENCE NORTH 1°19' WEST 388.3 FEET; RUNNING THENCE NORTH 56°49' WEST 205 FEET; RUNNING THENCE NORTH 27°49' WEST 160 FEET; RUNNING THENCE NORTH 3°37' WEST 140 FEET, RUNNING THENCE NORTH 17°37' WEST 210 FEET; RUNNING THENCE NORTH 61°58' WEST 335 FEET; RUNNING THENCE NORTH 26°54' WEST 204 FEET TO A POINT IN THE NORTH BOUNDARY OF SAID NORTHWEST 1/4 OF THE NORTHWEST 1/4 225 FEET EAST OF THE NORTHWEST CORNER OF SAID SECTION; RUNNING THENCE WEST ALONG SAID BOUNDARY 225 FEET TO SAID NORTHWEST CORNER THEREOF, RUNNING THENCE SOUTH ALONG THE WEST BOUNDARY LINE OF SAID SECTION 1320 FEET; MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID NORTHWEST 1/4 OF THE NORTHWEST 1/4, RUNNING THENCE IN AN EASTERLY DIRECTION ALONG THE SOUTH BOUNDARY LINE OF SAID SECTION A DISTANCE OF 900 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCELS;

ALL THAT PORTION OF THE ABOVE DESCRIBED REAL PROPERTY SITUATED AND LYING NORTH OF MAUGHAN ROAD AND,  
THE FOLLOWING DESCRIBED PROPERTY LYING SOUTH OF MAUGHAN ROAD BEING IN THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 29, TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE MERIDIAN BANNOCK COUNTY, IDAHO, AS FOLLOWS:  
BEGINNING AT A POINT MARKING THE NORTH 1/4 CORNER OF SAID SECTION 29, THENCE SOUTH 0°00'00"E 429.25 FEET ALONG THE WESTERLY BOUNDARY OF SAID NW1/4 OF THE NE1/4 TO A POINT MARKING THE TRUE POINT OF BEGINNING;  
THENCE CONTINUING SOUTH 0°00'00" EAST 390.61 FEET ALONG SAID WESTERLY BOUNDARY OF THE NW 1/4 OF THE NE1/4 TO A POINT; THENCE SOUTH 84°01'00" EAST 266.32 FEET TO A POINT; THENCE NORTH 4°15'30" EAST 352.07 FEET TO A POINT; THENCE SOUTH 86°44'30" EAST 20.00 FEET TO A POINT; THENCE NORTH 4°15'30" EAST 215.22 FEET TO A POINT; THENCE SOUTH 50°22'30" WEST 151.68 FEET TO A POINT; THENCE SOUTH 76°34'31" WEST 216.11 FEET TO THE TRUE POINT OF BEGINNING.

MS

KH W/A



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718  
Phone: (208)525-7161 • Fax: (208)525-7177 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

July 02, 2020

HUKILAU LLC  
9685 E MAUGHAN RD  
LAVA HOT SPGS ID 83246-1526

Re: Change in Water Right Ownership: 29-182 A (Split into 29-182 A and 29-14324), 29-7900 (No Split Required), 29-11059 (No Split Required)

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.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder 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) 497-3787.

Sincerely,

Jonie Barg  
Technical Records Specialist 1

Enclosure(s)

cc: Water District 29  
Marilyn Smith  
Earl Smith