

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 19 2018

Department 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. 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?
25-10720 OK	Yes ☐	Yes ☐	25-13993 OK	Yes ☐	Yes ☐
25-10721 OK	Yes ☐	Yes ☐	25-13994 OK	Yes ☐	Yes ☐
25-13990 OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
25-13991 OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
25-13992 OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Skaar Brothers Partnership
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Smith Cattle Company, LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- Mailing address: P.O. Box 892 City: Draper State: UT ZIP: 84020
Telephone: 801-910-1209 Email: jsmithdts@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: September 20, 2018
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):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
 o 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.
8. Signature: [Signature] Title, if applicable: manager Date: 12-14-18
 Signature: [Signature] Title, if applicable: Manager Date: 12-14-18

SUPPORT DATA

IN FILE # 25-10720

For IDWR Office Use Only:

Received by: JB Date: 12/14/2018 Receipt No.: E044598 Receipt Amt.: \$550 -

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: CR Date: 12/28/2018

GRANT DEED

THIS INDENTURE is made this 20th day of September, 2018, by LOUIS SKAAR & SONS, INC., an Idaho corporation; and SKAAR BROTHERS, LLC, also shown of record as SKAAR BROTHERS, L.L.C., an Idaho limited liability company, the "Grantor", to SMITH CATTLE COMPANY LLC, an Idaho limited liability company, whose mailing address is P. O. Box 892, Draper, Utah, 84020, the "Grantee".

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, and by these presents does grant and confirm unto the Grantee, and to Grantee's successors and assigns forever, all of the following described real property in the County of Jefferson, State of Idaho, to-wit:

See Attached Exhibit "A"

SUBJECT TO the matters set forth on Attached Exhibit "B".

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

TO HAVE AND TO HOLD, the property and the appurtenances unto the Grantee, and to Grantee's successors and assigns forever.

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

[Signature Pages Follow]

GRANTOR

LOUIS SKAAR & SONS, INC., an Idaho corporation

By: *DuWayne Skaar*
DuWayne Skaar, President

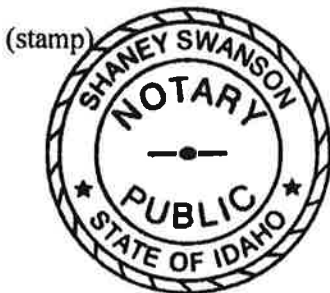
SKAAR BROTHERS, L.L.C., an Idaho limited liability company

By: *DuWayne Skaar*
DuWayne Skaar, Manager

By: *Justin Skaar*
Justin Skaar, Manager

STATE OF IDAHO)
)ss.
County of *Blaine*)

This record was acknowledged before me on the 20th day of September, 2018, by DuWayne Skaar, as President of LOUIS SKAAR & SONS, INC., an Idaho corporation.



Shaney Swanson
Signature of Notary Public
My Commission Expires: 12/21

STATE OF IDAHO)

County of Jefferson)ss.

This record was acknowledged before me on the 20th day of September, 2018, by DuWayne Skaar and Justin Skaar, as Partners of SKAAR BROTHERS, L.L.C., an Idaho limited liability company.



Shaney Swanson
Signature of Notary Public
My Commission Expires: 1-3-21

EXHIBIT "A"
Legal Descriptions

PARCEL 9:

THE EAST 2982 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

TOWNSHIP 4 NORTH, RANGE 37 EAST OF THE BOISE MERIDIAN, JEFFERSON COUNTY, IDAHO

SECTION 11: S½S½; S½N½SE¼; S½NE¼SW¼.

EXCEPTING THEREFROM:

COMMENCING AT A POINT 837 FEET NORTH OF THE SOUTHEAST CORNER OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 37 EAST, BOISE MERIDIAN, AND RUNNING THENCE WEST 143 FEET; THENCE NORTH 211 FEET; THENCE EAST 143 FEET; AND THENCE SOUTH 211 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM:

TOWNSHIP 4 NORTH, RANGE 37 EAST OF THE BOISE MERIDIAN, JEFFERSON COUNTY, IDAHO.

SECTION 11: BEGINNING AT A POINT 621 FEET NORTH OF THE SOUTHEAST CORNER OF SAID SECTION 11, AND RUNNING THENCE WEST 157 FEET; THENCE NORTH 148 FEET; THENCE EAST 157 FEET; THENCE SOUTH 148 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM:

A PARCEL OF LAND SITUATED IN JEFFERSON COUNTY, STATE OF IDAHO, TOWNSHIP 4 NORTH, RANGE 37 EAST OF THE BOISE MERIDIAN, SECTION 11, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 37 EAST, B.M., SAID POINT BEING THE TRUE POINT OF BEGINNING. THENCE S 89°41'54" W ALONG THE SOUTH LINE OF SAID SECTION 11 FOR A DISTANCE OF 437.35 FEET; THENCE N 39°12'23" W FOR A DISTANCE OF 384.71 FEET; THENCE N 00°19'33" W FOR A DISTANCE OF 441.54 FEET; THENCE N 74°29'07" E FOR A DISTANCE OF 372.61 FEET; THENCE N 90°00'00" E FOR A DISTANCE OF 324.00 FEET; THENCE S 00°00'00" W FOR A DISTANCE OF 68.00 FEET; THENCE S 90°00'00" W FOR A DISTANCE OF 157.00 FEET; THENCE S 00°00'00" W FOR A DISTANCE OF 148.00 FEET; THENCE N 90°00'00" E FOR A DISTANCE OF 157.00 FEET TO THE EAST LINE OF SAID SECTION 11; THENCE S 00°00'00" W FOR A DISTANCE OF 621.00 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 10:

A PORTION OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 37 EAST OF THE BOISE MERIDIAN, JEFFERSON COUNTY, IDAHO DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT 837 FEET NORTH OF THE SOUTHEAST CORNER OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 37 EAST, BOISE MERIDIAN, AND RUNNING THENCE WEST 143 FEET; THENCE NORTH 211 FEET; THENCE EAST 143 FEET; AND THENCE SOUTH 211 FEET TO THE POINT OF BEGINNING.

PARCEL 14:

A PARCEL OF LAND SITUATED IN JEFFERSON COUNTY, STATE OF IDAHO, TOWNSHIP 4 NORTH, RANGE 37 EAST OF THE BOISE MERIDIAN, SECTION 11, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 37 EAST OF THE BOISE MERIDIAN, SAID POINT BEING THE TRUE POINT OF BEGINNING. THENCE N00°00'00"E FOR A DISTANCE OF 621.00 FEET; THENCE S90°00'00"W FOR A DISTANCE OF 157.00 FEET; THENCE N00°00'00"E FOR A DISTANCE OF 148.00 FEET; THENCE N90°00'00"E FOR A DISTANCE OF 157.00 FEET; THENCE N00°00'00"E FOR A DISTANCE OF 68.00 FEET; THENCE S90°00'00"W FOR A DISTANCE OF 324.00 FEET; THENCE S74°29'07"W FOR A DISTANCE OF 372.61 FEET; THENCE S00°19'33"E FOR A DISTANCE OF 441.54 FEET; THENCE S39°12'23"E FOR A DISTANCE OF 384.71 FEET; THENCE N89°41'54"E FOR A DISTANCE OF 437.35 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 11.34 ACRES MORE OR LESS.

EXHIBIT "B"
Real Property Exceptions

Real Property to be transferred subject to the following:

1. All real property taxes and assessments, all existing patent reservations, easements, rights of way, restrictive covenants and matters of record, all applicable zoning ordinances, building codes, laws and regulations, all encroachments, overlaps, boundary line disputes, claims of easements and other matters that would be disclosed by an accurate survey or inspection of the property.
2. Any claim arising from the difference in the mean high water line of the Snake River and the meander line as shown by the Original Government Survey.
3. Right, title and interest of the State of Idaho within the natural bed of the Snake River below the ordinary high water line, and also excepting any artificial accretions waterward of said ordinary low water line.
4. Any portion of the described land within the natural bed of the Snake River below the natural or ordinary high water mark where it was located prior to any artificial or avulsive changes in the location of the shoreline.
5. Right-of-way or easement of 3300 E., 3200 E., 500 N. and 3700 E.
6. Right-of-way or easement of Scott's Slough Canal, Bear Trap Slough, Irrigation ditches, drain slough, Spring Creek, Dry Bed aka Great Feeder Canal, Missionary Canal, Parks & Lewisville Canal and South Parks & Lewisville Canal.
7. Ditch Right of Way Agreement upon the terms, conditions and provisions contained therein:
Parties: Alfred C. Keller and Roberta Keller, husband and wife and Green Brothers, a co-partnership
Recorded: May 25, 1950, Instrument No. 91548 in Book 131 at Page 553
8. Easement granted to Utah Power & Light Company, over the S2S2 Sec 11-4N-37E, recorded January 18, 1957, in Book 154 of Miscellaneous, page 617.
9. Easement granted to Utah Power & Light Company, over the S2SW4 Sec 11-4N-37E, recorded January 18, 1957, in Book 154 of Miscellaneous, page 618.
10. Easement granted to Utah Power & Light Company, over the S2SE4 Sec 10-4N-37E, recorded June 18, 1957, in Book 154 of Miscellaneous, page 619.
11. Easement granted to Utah Power & Light Company, over the SE4SE4 Sec 10-4N-37E, recorded May 18, 1961, in Book 166 of Miscellaneous, page 162.

12. Easement granted to Utah Power & Light Company, over SE4NE4 Sec 35, recorded November 19, 1970, as Instrument No. 156420.
13. Easement Deed Agreement upon the terms, conditions and provisions contained therein:
Parties: J. Neal Erickson and Veda M. Erickson, husband and wife, and Flood Control District No. 1 of Idaho
Recorded: April 26, 1972, Instrument No. 161635
14. Provisions in deed to Jefferson County Drainage District #1, recorded March 13, 1984, as Instrument No. 225811. (Section 11-4N-37E)
15. The following matters, and any covenants, conditions, restrictions, easements and any rights, interests or claims which may exist by reason thereof, disclosed by survey recorded July 28, 2004, as Instrument No. 332928.
 - a. Cellar encroachment
16. Easement for electric power transmission, distribution and communication lines granted to PacifiCorp, an Oregon corporation, recorded October 27, 2008, as Instrument No. 372071.
17. Well Agreement upon the terms, conditions and provisions contained therein:
Parties: Delores Skaar, Louis Skaar and Sons, Inc., Matthew Lister and Shalynn Lister
Recorded: September 7, 1999, Instrument No. 299298
18. The following matters, and any covenants, conditions, restrictions, easements and rights, interests or claims which may exist by reason thereof, disclosed by survey recorded July 28, 2004, as Instrument No. 332928
 - a. Cellar encroachment
(Parcel 1)
19. Easement upon the terms, conditions and provisions contained herein:
Parties: Preston J. Skaar and Valley Environmental Protection, Inc.
Recorded: September 1, 2004, Instrument No. 333717
20. Provisions in deed to Preston J. Skaar and Darcy D. Skaar, recorded August 28, 2017, as Instrument No. 432198 (Parcel 1)
21. All matters, and any rights, easements, interests, or claims which may exist by reason thereof, disclosed by survey recorded September 6, 2017, as Instrument No. 432379. (Parcel 1 and 1A)

Tract 1 Aerial Map



map center 43° 41' 16.42" -112° 4' 25.24"

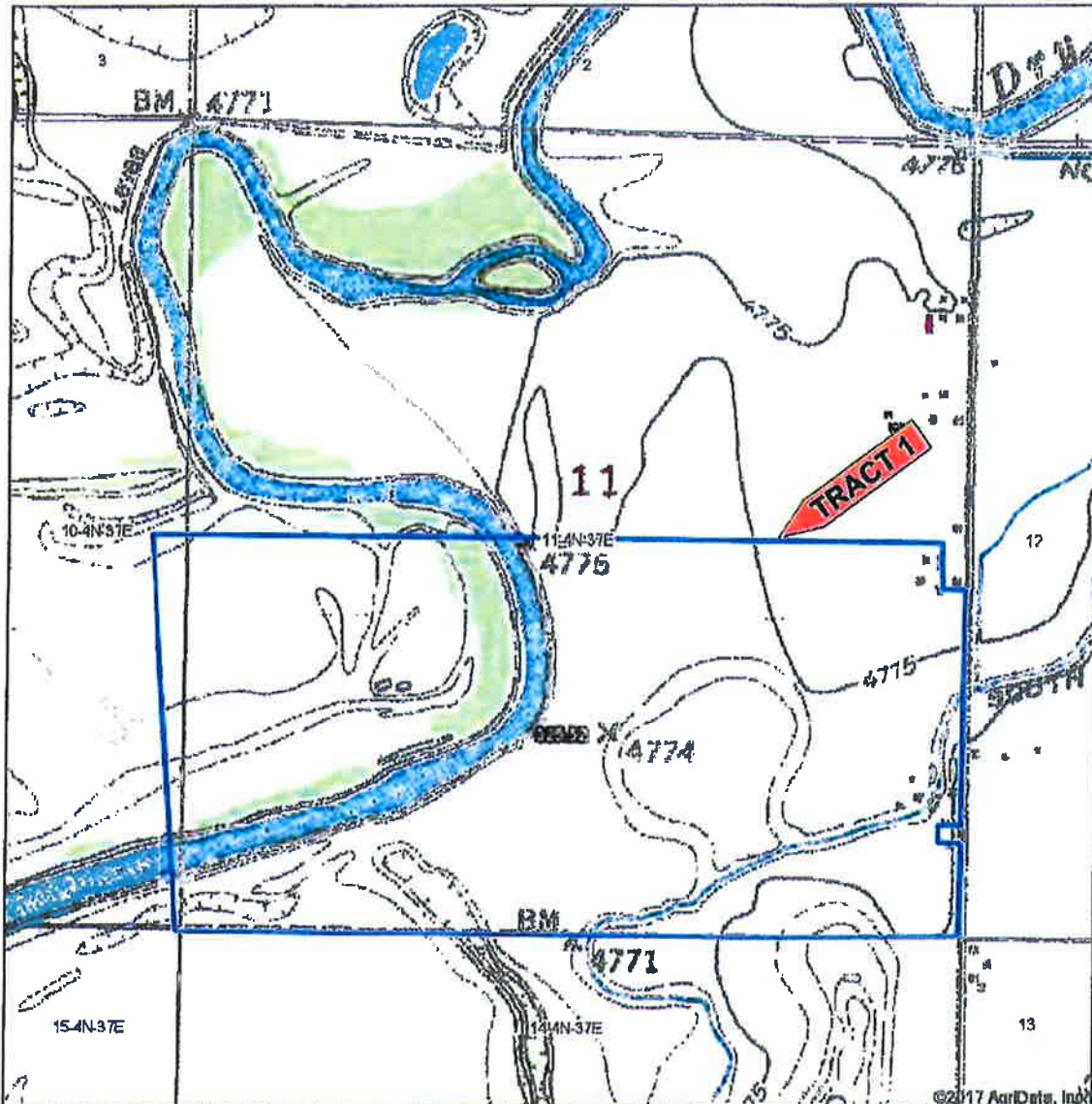


11-4N-37E
Jefferson County
Idaho



Tract 1 Topography Map

Topography Map

Western
AgCredit

map center 43° 41' 27.58, -112° 4' 25.14

0ft 1047ft 2093ft

Maps Provided by
surety
© AgriData, Inc. 2017 www.AgrDataInc.com11-4N-37E
Jefferson County
Idaho

8/15/2017



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

C.L. "Butch" Otter
Governor

Gary Spackman
Director

December 28, 2018

SMITH CATTLE COMPANY LLC
PO BOX 892
DRAPER UT 84020-0892

Re: Change in Ownership for Water Right No(s): 25-10720, 25-10721, 25-13990, 25-13991, 25-13992, 25-13993, 25-13994

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.

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) 525-7161.

Sincerely,

Cher Ramos
Technical Records Specialist 1

Enclosure(s)

cc: Western AgCredit PCA
Western AgCredit FLCA
Bonneville-Jefferson GWD
Water District 01
Water District 120

December 14, 2018

IDWR Eastern Region
Attn: Jonie Barg
900 N. Skyline Ste. A
Idaho Falls, Idaho 83402

RE: Change of Water rights from SKaar Brothers, et al to
Smith Livestock, LLC; JDAWS Rentals, LLC; FAE Holdings 494935R, LLC

Dear Jonie,

Please find enclosed six "Notice of Change in Water Right Ownership" applications for the water rights to be transferred from Justin and Duwayne Skaar and their related entities to Jeff and Amy Smith and their related entities.

A check for \$550.00 is also enclosed for the transfer fee. If this is more than the required amount any refund should be sent to:

Jeff Smith
PO Box 892
Draper, Utah 84020

Feel free to contact me at 801-319-7242 or leonnelson@comcast.net if you have questions or need additional information. Jeff Smith can be reached at 801-910-1209.

Thanks for your assistance.



Leon Nelson
801.319.7242