

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DEC 16 2011

DEPT. OF WATER RESOURCES
SOUTHERN 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.

split #s

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
<i>37-22688</i> 37-22359	Yes ☒		Yes ☐		Yes ☐
<i>37-22694</i> 37-22361	Yes ☒		Yes ☐		Yes ☐
<i>37-22700</i> 37-22363	Yes ☒		Yes ☐		Yes ☐
<i>37-22706</i> 37-22365	Yes ☒		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Mountain West Bank, Inc.

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Daniel E. Schmidt

Name of each new owner as listed on the conveyance document

New owner continued Name connector ☐ and ☐ or ☐ and/or

10901 Hwy 75

Mailing address

Bellevue

ID

83313

City

State

ZIP

208-720-3772

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: December 13, 2011

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):
 - \$25 per *undivided* water right.
 - \$100 per *split* water right.
 - No fee is required for pending adjudication claims.

SUPPORT DATA

IN FILE # 37-22359

7. Signature: Daniel E. Schmidt
Signature of new owner/claimant

Title, if applicable

Date 12/12/11

Signature: _____
Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by DB

Date 12-16-2011

Receipt No. 5032268

Receipt Amt. \$400-

Approved by _____

Processed by _____

Date _____

Instrument # 592917

HAILEY, BLAINE, IDAHO
12-13-2011 12:54:00 PM No. of Pages: 2
Recorded for: BLAINE COUNTY TITLE
JOLYNN DRAGE Fee: \$13.00
Ex-Officio Recorder Deputy: mpp
Electronically Recorded by Simplifile

SPECIAL WARRANTY DEED

FOR VALUE RECEIVED, Mountain West Bank, Inc., an Idaho corporation ("Grantor"), whose address is 101 Ironwood Drive, Suite 210, Coeur d'Alene, Idaho 83814, hereby grants, bargains, sells, and conveys unto Daniel E. Schmidt, an unmarried man ("Grantee"), Grantor's entire right, title, and interest in and to the following described real property situated in Blaine County, Idaho (the "Property"): *10901 Hwy 75, Bellevue ID 83313

Lot 5, Block 1 of BELL MOUNTAIN RANCH SUBDIVISION,
according to the official plat thereof, recorded as Instrument No.
591235 and corrected by that certain record of survey recorded as In-
strument No. 534342, Records of Blaine County, Idaho.

Subject to the following restriction: "Each Grantee taking this property, or any portion thereof, covenants and agree for the Grantee and Grantee's heirs, executors and assigns, to not challenge any existing or new agricultural uses or operations that are authorized by the Blaine County Zoning Ordinance and conducted within the county and that are or may be lawfully occurring or authorized by any government agency, as of the date of each deed conveying any right, title or interest in this property or any portion thereof."

TOGETHER WITH the following described portions of Idaho Water Right Numbers 37-22359, 37-22361, 37-22362 and 37-22365 appurtenant to the Property, providing collectively sufficient water to irrigate a total of 4.29 acres. Grantor expressly reserves unto itself the remaining portion of said water rights.

Water Right No.	CFS	ACRE-FEET
37-22359	0.018	N/A
37-22361	0.029	4.290
37-22362	0.003	N/A
37-22365	0.007	N/A

TOGETHER WITH all the tenements, hereditaments, easements, rights and other appurtenances thereto belonging,

SUBJECT TO taxes, levies, and assessments for the current year not yet due and payable and the following items of record: easements, right of ways, boundary line agreements, development agreements, water supply agreements, plats, covenants, conditions, restrictions, reservations, all zoning, building and use laws or restrictions; along with any state of facts that an accurate survey or inspection of the Property would show.

AND Grantor does hereby covenant with and warrant to Grantee that Grantor is lawfully seized in fee simple of the Property, has good right and lawful authority to sell and convey the Property, and that Grantor fully warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor, but against none other.

IN WITNESS WHEREOF, the Grantor executes this deed this 9th day of December, 2011.

GRANTOR:

Mountain West Bank, Inc.
An Idaho corporation,

By: Diane E. Reed
Name/Title: Diane E. Reed / EVP

State of Idaho)
County of Kootenai)ss.

On December 9, 2011, before me personally appeared Diane E. Reed, personally known or proved to me by satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity as EVP of Mountain West Bank, Inc., and that by his signature such entity executed the instrument.



Lindsey A. Tibbitts
Notary Public for: Idaho
Residing at: Rathdrum, ID
My commission expires: 2/24/2014

A PLAT SHOWING
BELL MOUNTAIN RANCH SUBDIVISION
 WHEREIN PARCEL 4 OF THE STRUTHERS RANCH RECORD OF SURVEY (TAX LOT 7152) IS REPLATED INTO AN A-20 CLUSTER DEVELOPMENT
 LOCATED WITHIN SECTION 20, T.1N., R.19E., B.M., BLAINE COUNTY, IDAHO
 NOVEMBER 2005



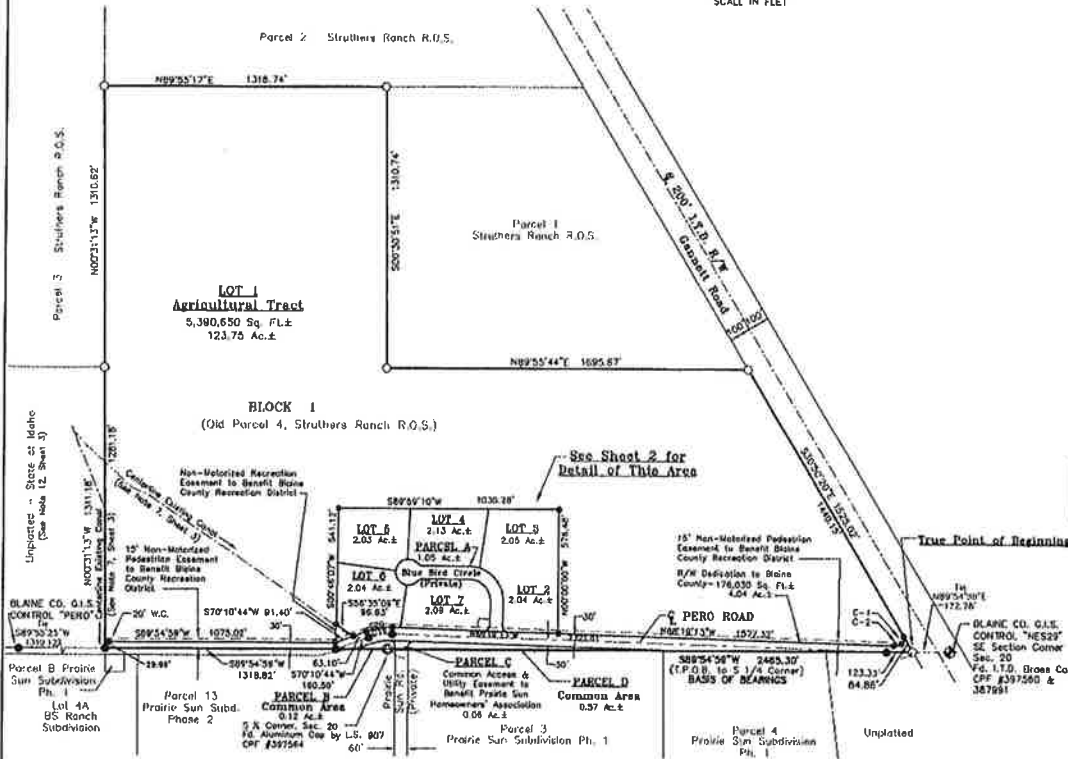
SCALE: 1" = 300'

LEGEND

- ⊕ Found Brass Cap
- ⊙ Found Aluminum Cap
- Found 5/8" Rebar
- ⊙ Found 1/2" Rebar
- ⊙ Set 1/2" Rebar
- ⊙ Set 5/8" Rebar
- Property Boundary
- - - Adjacent Property Line
- - - Centerline
- - - Easement, As Shown

CURVE TABLE					
CURVE	LENGTH	RADIUS	TANGENT	DELTA	CHORD
C1	29.42'	23.00'	22.15'	92°20'00"	33.48'
C2	29.22'	30.00'	20.18'	92°11'00"	38.89'
C10	111.70'	300.00'	29.50'	21°19'24"	111.09'

SEE SHEET 3 FOR NOTES
 & DETAILS OF LOTS 2-7



HEALTH CERTIFICATE: Sanitary restrictions as required by Idaho Code Title 50, Ch. 13, have been satisfied. Sanitary restrictions may be reimposed in accordance with Idaho Code Title 50, Ch. 13, Sec. 50-1326, by issuance of a Certificate of Disapproval.
 11-18-2005 *Rest W. C. H.*
 Date South Central District Health Dept., EHS



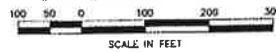
BELL MOUNTAIN RANCH
 SUBDIVISION
 GALENA ENGINEERING, INC.
 KETCHUM, IDAHO
 SHEET 1 OF 4
 Job No. 5320-01

MICHAEL D. CHOAT, L.S. 10161

A PLAT SHOWING BELL MOUNTAIN RANCH SUBDIVISION LOCATED WITHIN SECTION 20, T.1N., R.19E., B.M., BLAINE COUNTY, IDAHO NOVEMBER 2005

LEGEND

- Found Brass Cap
- Found Aluminum Cap
- Found 5/8" Rebar
- Found 1/2" Rebar
- Set 3/8" Rebar
- Set 1/2" Rebar
- Record Information
- Property Boundary
- Adjacent Property Line
- Building Envelope
- Centerline
- Easement, as Shown
- 10' Public Utility Easement



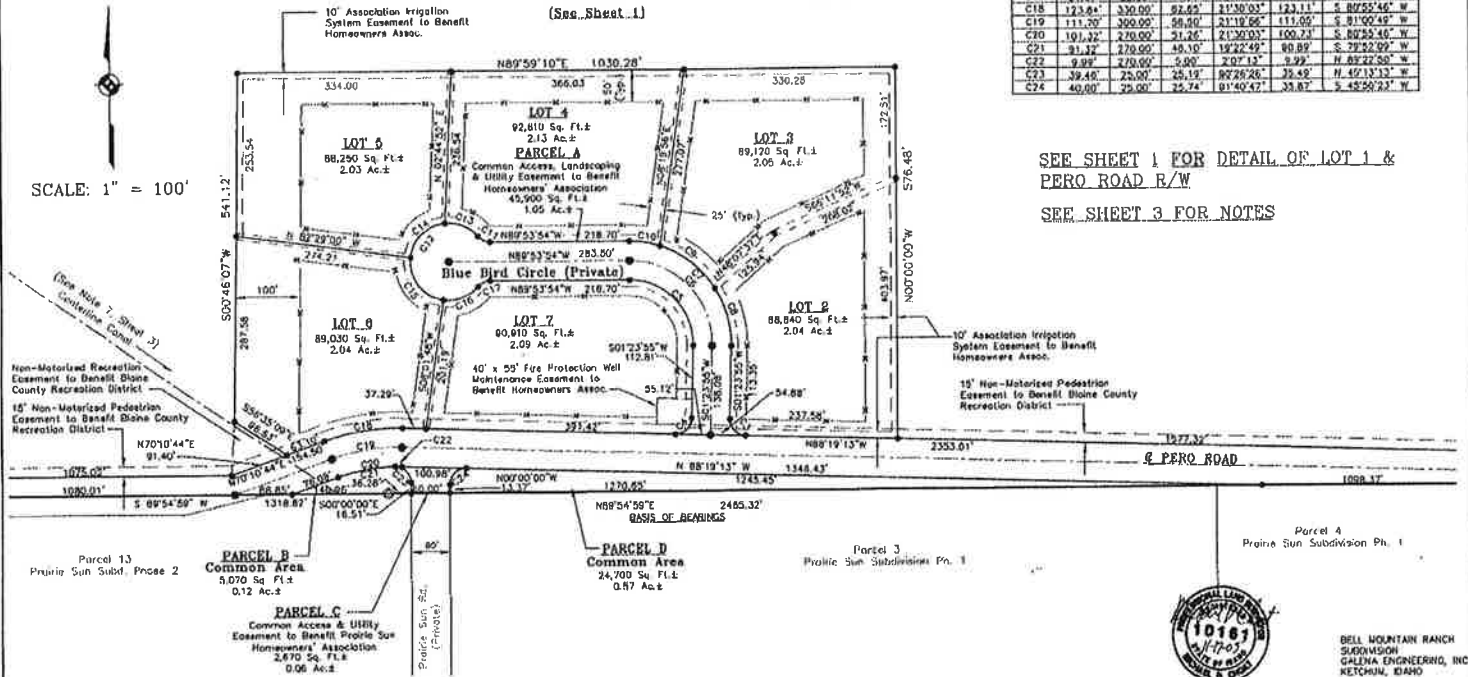
CURVE	LENGTH	RADIUS	TANGENT	DELTA	CHORD	CHORD BEARING
C3	38.15'	25.00'	24.80'	89°43'08"	35.27'	S 43°22'38" E
C4	32.22'	25.00'	25.12'	90°16'52"	35.44'	N 46°37'21" E
C5	126.34'	100.00'	102.29'	91°17'49"	143.01'	N 44°14'52" W
C6	207.15'	130.00'	132.28'	91°17'49"	185.92'	N 44°14'52" W
C7	284.82'	180.00'	183.69'	91°17'49"	228.82'	N 44°14'52" W
C8	344.81'	190.00'	189.87'	91°17'49"	238.82'	N 44°14'52" W
C9	111.03'	160.00'	67.85'	10°45'42"	108.82'	N 52°27'52" W
C10	49.01'	150.00'	24.70'	17°33'24"	48.82'	N 61°07'22" W
C11	21.67'	25.00'	11.67'	49°40'47"	21.00'	S 65°03'30" E
C12	292.54'	60.00'	50.92'	278°21'24"	27.65'	S 60°08'36" E
C13	27.97'	60.00'	31.22'	54°38'24"	55.38'	N 67°42'19" W
C14	62.24'	60.00'	49.05'	78°32'02"	75.02'	S 45°32'27" E
C15	32.41'	60.00'	58.19'	88°14'38"	83.54'	S 37°50'54" E
C16	60.32'	60.00'	32.98'	57°38'28"	57.82'	N 69°13'31" E
C17	21.67'	25.00'	11.67'	49°40'47"	21.00'	S 65°03'30" E
C18	123.84'	330.00'	92.62'	11°30'03"	123.11'	S 80°55'40" W
C19	111.20'	350.00'	58.50'	21°10'56"	111.05'	S 81°00'49" W
C20	191.32'	270.00'	31.25'	21°30'03"	190.73'	S 80°55'46" W
C21	91.32'	270.00'	45.10'	19°22'49"	90.89'	S 79°52'09" W
C22	9.99'	270.00'	5.00'	2°07'12"	9.99'	N 89°22'50" W
C23	39.40'	25.00'	25.19'	89°28'26"	39.52'	N 42°13'13" W
C24	40.00'	29.00'	32.74'	81°40'47"	39.87'	S 45°50'52" W

SEE SHEET 1 FOR DETAIL OF LOT 1 & PERO ROAD R/W

SEE SHEET 3 FOR NOTES

BLOCK 1

LOT 1
Agricultural Tract
6,190.650 Sq. Ft. ±
123.78 Ac. ±
(See Sheet 1)



BELL MOUNTAIN RANCH
SUBDIVISION
GALINA ENGINEERING, INC.
KETCHUM, IDAHO

SHEET 2 OF 4

MICHAEL D. CHOAT, L.S. 10161

Job No. 5320-01

A PLAT SHOWING
BELL MOUNTAIN RANCH SUBDIVISION
NOVEMBER 2005

NOTES

1. All utilities shall be placed underground.
2. Pursuant to State regulations, maintenance and weed control for all lots are the responsibility of the developer until the lot/block is sold and thereafter the responsibility of the owners of the individual lots/blocks. The control program to be implemented by the responsible party will target those species designated on the Idaho Noxious Weed List. Mowing and manual removal are recommended, although biological control has been shown to be effective in eradicating knapweed.
3. The purchaser and/or owner of any lot or parcel in this subdivision understands and agrees that private road construction, maintenance, and snow removal shall be the obligation of the owner, his successors in interest, or the homeowners' association, and that Blaine County is in no way obligated to accept, maintain or improve these roads until the roads are brought up to county standards, dedicated, and accepted by the county, and that each owner shall notify in writing any successor in interest of these facts.
4. CC&Rs for this subdivision are recorded under instrument No. 531336, records of Blaine County, Idaho.
5. All new domestic wells for the Cluster Development (Lots 2-7) shall be located within 80 feet of Blue Bird Circle.
6. The water rights appurtenant to Lots 2-7 ("Property") have been conveyed to the Homeowners' Association, Inc. ("Association") by quit claim deed recorded as instrument No. 531336, records of Blaine County, Idaho, as set forth in the recorded CC&Rs. Water rights for Lots 1-7 shall be divided pro rata upon acreage. The Association Irrigation System on Lots 2-7 will be operated by the Home Owner's Association, with a plan for each Lot Owner's access and operation of the system outlined and granted in the CC&Rs.
7. A canal maintenance easement of adequate width to allow for maintenance exists centered on canals shown hereon.
8. Domestic pets, including cats, shall be kept indoors, in kennels, leashed or otherwise under the control of their owners.
9. Hay or other livestock feed shall be stored and fed so that it is not available to big game. This will minimize the chances of attracting wildlife away from native winter range and reduce depredation potential.
10. All fire protection requirements of the Wood River Rural Fire District, the International Fire Code and Blaine County Code Title 7, Chapter 7, including, but not limited to, water supply, access and clear zones shall be complied with prior to any combustible construction in this subdivision. Approved Fire District inspections of all emergency access roads, turnarounds and flow testing of fire protection systems shall take place prior to issuance of a building permit.
11. This subdivision is located upon property that was deeded by the State of Idaho to R.J. Struthers in 1962 (State of Idaho Deed Number 3352). At that time the State reserved mineral rights to the property per Section 47-701, Idaho Code. The State of Idaho has reserved the mineral rights, including the right to mine these minerals, subject to compensation to surface owner outlined in Idaho Code 47-708. While the State does not have immediate plans to extract minerals at this location, those involved with the development of this property should be aware of these reserved mineral rights.
12. The land identified on the Bell Mountain Ranch Subdivision plat as Unplatted State of Idaho (SWSW Sec. 20), adjacent to the southwest corner of Lot 1, is operated as a sand and gravel pit by the Idaho Transportation Department.
13. Residential parcels shall be irrigated using only agricultural water rights. Domestic wells are for in-house, potable use and house-lbs only.
14. Owners should be aware that Irrigation Water Rights are subject to availability and are subject to the final outcome of oil proceedings in, and the provisions, terms and conditions of the decrees or decrees to be issued in, the general water rights adjudication encompassing almost all of the State of Idaho known as "In Re: The General Adjudication of Rights to the Use of Water From the Snake River Basin Water System Twin Falls County Case No. 38306 (the SRBA)".
15. The designated Fire Protection Well on Lot 7 is reserved for Fire Protection use only and shall not be used for any other purpose. The maintenance of the Fire Protection System shall be maintained to Wood River Rural Fire Department standards by the Homeowners' Association as outlined in the CC&Rs.
16. All outdoor lighting installed shall comply with generally accepted "Dark Sky Lighting" practices, where all lighting shall be shielded and downward pointing.
17. DENSITY STATEMENT: No further subdivision or reduction in the size of this property is permitted unless by amendment to zoning ordinance or other applicable ordinance.
18. There shall be no gating of Blue Bird Circle from Pero Road.
19. No A-20 employee housing is allowed within the Residential Cluster Development Lots 2-7.
20. MARKETING DISCLOSURE: This property includes and is adjacent to active agricultural uses, which may involve activities occurring during the day or night. These activities may result in the production of noise, odors, and dust and may involve lights, aerial spraying, machinery and other inconveniences. All deeds conveying title to this property will contain a restriction prohibiting property owners from challenging lawfully conducted agricultural operations occurring within the County.
21. DEED RESTRICTION: All deeds conveying title to real property within this subdivision shall include the following deed restriction: "Each Grantee taking this property, or any portion thereof, covenant and agree for the Grantee and Grantee's heirs, executors and assigns, to not challenge any existing or new agricultural uses or operations that are authorized by the Blaine County Zoning Ordinance and conducted within the County, and that are or may be lawfully occurring, or authorized by any governmental agency, as of the date of each deed conveying any right, title or interest in this property or any portion thereof."
22. GRANTEE'S ACKNOWLEDGMENT AND WAIVER: Each Grantee shall, contemporaneously with the execution of any deed conveying title to real property within this subdivision, sign and record with the Blaine County Recorder the following acknowledgment and waiver, which signing shall be duly acknowledged by a notary public:
"The undersigned acknowledge and agree that the property described in Exhibit A (legal description of the property being conveyed) is either located in, or near, an agricultural zone, and that lawful activities within an agricultural zone may occur during the day or night, and may result in the production of noise, odors and dust, and may involve lights, aerial spraying, machinery and other inconveniences. Each of the undersigned acknowledges that the deed conveying title will contain a restriction that will prohibit challenging all agricultural uses or operations authorized by the Blaine County Zoning Ordinance and conducted within the County and that are or may be lawfully occurring, or authorized by any governmental agency, as of the date of each deed conveying any right, title or interest in the property described in Exhibit A. Each of the undersigned, for the benefit of any owner of real property within the County, hereby waives any right or cause of action the undersigned may have under law to challenge any such lawfully occurring or authorized agricultural uses or operations."



MICHAEL D. CHOAT, L.S. 10161

BELL MOUNTAIN RANCH SUBDIVISION
GALENA ENGINEERING, INC.
KETCHUM, IDAHO
SHEET 3 OF 4
Job No. 5320-01

CERTIFICATE OF OWNERSHIP

This is to certify that the undersigned are the owners in fee simple of a parcel of land located within Section 20, T.1N., R.19E., B.M., Blaine County, Idaho, also known as Parcel 4, Struthers Ranch Record of Survey or Tax Lot 7152, and more particularly described as follows:

Commencing at a Brass Cap marking the SE Section Corner of Section 20; thence continuing South 89°54'58" West, 172.78 feet to a 3/4" Rebar and the TRUE POINT OF BEGINNING;
 Thence South 89°54'59" West, 2465.30 feet;
 Thence South 89°54'59" West, 1318.82 feet;
 Thence North 00°31'13" West, 1311.18 feet;
 Thence North 00°31'13" West, 1310.62 feet;
 Thence North 89°55'17" East, 1318.74 feet;
 Thence South 00°30'31" East, 1310.74 feet;
 Thence North 89°55'44" East, 1695.67 feet;
 Thence South 30°50'20" East, 1525.02 feet to the TRUE POINT OF BEGINNING.

The easements indicated hereon are not dedicated to the public, but the right to use said easements is hereby reserved for the public utilities and for any other uses indicated hereon and no permanent structures are to be erected within the lines of said easements. We do hereby certify that the individual lots described in this plat will be served by individual wells and not by any water system common to one (1) or more of the lots.

The portions of Pero Road right-of-way, as shown on this plat, are hereby dedicated to Blaine County in perpetuity.

Protective Covenants, Conditions, and Restrictions governing this plat are recorded under Instrument Number 531236, Records of Blaine County, Idaho.

It is the intent of the owners to hereby include said land in this plat.

B & M Ranch, L.L.C., an Idaho Limited Liability Company

John Brashears
 By: John Brashears, Manager

ACKNOWLEDGMENT

STATE OF IDAHO
 COUNTY OF BLAINE ss

On this 15th day of November, 2005, before me, a Notary Public in and for said State, personally appeared John Brashears, known or identified to me to be manager of the limited liability company that executed the foregoing instrument, and acknowledged to me that such limited liability 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.



Kristine M. Johnson
 Notary Public in and for said State
 Residing in HAILEY, ID.
 My Commission Expires 01/10/2011

SURVEYOR'S CERTIFICATION

I, Michael D. Choot, a duly licensed Land Surveyor in the State of Idaho, do hereby certify that the foregoing plat is a true and accurate map of the land surveyed under my direct supervision and that it is in accordance with the Idaho State Code relating to plats and surveys.



BLAINE COUNTY SURVEYOR'S APPROVAL

I, Jim W. Koonce, County Surveyor for Blaine County, Idaho, have checked the foregoing plat and computations for making the same and have determined that they comply with the laws of the State of Idaho relating thereto.

Jim W. Koonce
 Blaine County Surveyor

BLAINE COUNTY PLANNING AND ZONING APPROVAL

The foregoing plat was approved by the Blaine County Planning and Zoning Administrator on this 15th day of November, 2005.

Paula Skramis
 Administrator

BLAINE COUNTY COMMISSIONERS APPROVAL

The foregoing plat was approved by the Blaine County Board of Commissioners on this 15th day of November, 2005.

Don Bowman
 Chairman

ACCEPTANCE OF DEDICATION BY BLAINE COUNTY

Dedication of the portion of Pero Road, as shown on this plat, was approved and accepted this 15th day of November, 2005 by Blaine County.

Don Bowman
 Chairman, Blaine County Commissioners

BLAINE COUNTY TREASURER'S APPROVAL

The taxes on the foregoing parcel of land have been paid to this date and this plat is hereby approved this 15th day of November, 2005.

David R. Beck
 Blaine County Treasurer

BLAINE COUNTY RECORDER'S CERTIFICATE

STATE OF IDAHO }
 COUNTY OF BLAINE } ss

Instrument # 531236
 FILED BLAINE IDAHO
 JUNE 01 PM 02:28 PM 11 of Page 4
 Recorder: JIM PHILLIPS
 HANNA NORMAN
 Blaine County Recorder Deputy
 Fax: 208

BELL MOUNTAIN RANCH SUBDIVISION

GALENA ENGINEERING, INC.
 KETCHUM, IDAHO
 SHEET 4 OF 4
 Job No. 5320-01



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 1341 Fillmore St, Suite 200 • Twin Falls, Idaho 83301-3380

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 23, 2012

DANIEL SCHMIDT
10901 HWY 75
BELLEVUE ID 83313

Re: Change of Ownership/Split of Water Right 37-22359, 37-22361, 37-22363 and 37-22365
Split into 37-22359 (Mtn West Bank) and 37-22668 (Schmidt)
37-22361 (Mtn West Bank) and 37-22694 (Schmidt)
37-22363 (Mtn West Bank) and 37-22700 (Schmidt)
37-22365 (Mtn West Bank) and 37-22706 (Schmidt)

Dear Water Right Holder(s):

The Department acknowledges receipt of correspondence splitting ownership of the above referenced water rights. The Department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records. Please note of the splits done in Bell Mountain Ranch Subdivision, the lot you purchased retained the original water right numbers as shown above.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been forfeited 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 Sections 42-222 and 42-223, Idaho Code.

Also, please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Trish Fawcett".

Trish Fawcett
Technical Records Specialist

Enclosure

Cc: Blaine County Title



RECEIVED

DEC 16 2011

DEPT. OF WATER RESOURCES
SOUTHERN REGION

December 13, 2011

Idaho Department of Water Resources
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380

Re: Order 1117494

Mountain West Bank/Schmidt

Dear Ladies & Gentlemen:

In connection with the above referenced order, please find attached our check representing: Filing Fee to Transfer Water Rights.

Also attached are the Notice of Change in Water Right Ownership, Recorded Warranty Deed and Plat Map.

If you should have any questions, please do not hesitate to contact the undersigned.

Sincerely,

BLAINE COUNTY TITLE



Kristen Kludt
Escrow Officer

kk

Attachment(s)