

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED
MAY 03 2017
WATER RESOURCES
WESTERN 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.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
65-01395 ✓	Yes ☐	Yes ☐	65-04009 ✓	Yes ☐	Yes ☐
65-01396 ✓	Yes ☐	Yes ☐		Yes ☐	Yes ☐
65-01397 ✓	Yes ☐	Yes ☐		Yes ☐	Yes ☐
65-01399 ✓	Yes ☐	Yes ☐		Yes ☐	Yes ☐
65-01404 ✓	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: CATHY L. Smith

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): ACT Holdings LLC

New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or ☐ and/or

P.O. Box 140353

GARDEN City

ID

83714

Mailing address

City

State

ZIP

208-365-8050

Telephone

Email

ACT Holdings ID @ 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: MARCH 14, 2017

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.

SUPPORT DATA

IN FILE # 65-1395

8. Signature: ACT Holdings LLC

By: Cathy L. Smith
Signature of new owner/claimant

Managing member
Title, if applicable

5-2-2017
Date

Signature: _____

Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by AS Date 5/3/17

Receipt No. W045240/W045241

Receipt Amt. \$150⁰⁰ (\$125/\$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 X

Approved by AS

Processed by AS

Date 5/3/17

INSTRU. NO. 310452
PAGES 1 OF 4

Instrument # 310452

EMMETT, GEM, IDAHO

3-14-2017 01:52:40 PM No. of Pages: 4

Recorded for : CATHY L SMITH

SHELLY TILTON

Fee: 19.00

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

Sherry Stewart

GRANT DEED

THIS GRANT DEED is made and entered into the 14th day of March, 2017, by and between CATHY L. SMITH, a single person (Grantor) and ACT HOLDINGS, LLC, an Idaho limited liability company (Grantee). Grantee's current address is P.O. Box 140355, Boise, Idaho 83714.

Grantor for good and valuable consideration, receipt and sufficiency whereof is hereby acknowledged, hereby grants, bargains, sells and conveys unto Grantee and to Grantee's successors, heirs and assigns the following-described premises situated in Gem County, State of Idaho, together with the income and profits therefrom as the Grantee's sole and separate property:

Parcel I:

Lot 1 of Section 32, Township 7 North, Range 1 West, Boise Meridian, Gem County, Idaho. ✓

EXCEPT therefrom the following described portion thereof:

Beginning at the Northwest corner of said Lot 1, Section 32, Township 7 North, Range 1 West, Boise Meridian; run thence South on the West line of said Lot 1, a distance of 761 feet; thence Northeasterly to a point on the East line of said Lot 1, which is 405 feet South of the Northeast corner thereof; thence North on said line 405 feet, to said Northeast corner; thence West on the North line of said lot, to the Northwest corner thereof and POINT OF BEGINNING.

Parcel II:

Lots 6, 7 and 8 and the Southeast quarter of the Northwest quarter of Section 33, Township 7 North, Range 1 West, Boise Meridian, Gem County, Idaho. ✓

Parcel III:

The Southeast quarter of the Northwest quarter of Section 33, Township 7 North, Range 1 West, Boise Meridian, Gem County, Idaho, excepting therefrom the following described tract:

A tract of land situated in a portion of the Southeast quarter of the Northwest quarter and a portion of Government Lot 6, all in Section 33,

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Township 7 North, Range 1 West, Boise Meridian, Gem County, Idaho, more particularly described as follows:

Commencing at the Northwest corner of the Southeast quarter of the Northwest quarter of Section 33 Township 7 North, Range 1 West, Boise Meridian; thence

South 00°33'43" East, 380.21 feet to a set 1/2" iron pin with plastic cap stamped PLS 6552 on the bluff line; thence along the bluff line the following courses and distances:

North 76°40'00" East, 191.31 feet;

North 86°46'04" East, 145.87 feet to a set 1/2" iron pin with plastic cap stamped PLS 6552;

North 75°27'15" East 65.54 feet;

North 81°10'00" East 64.00 feet;

South 81°00'00" East 90.00 feet;

North 81°51'00" East, 120 feet to a set 1/2" iron pin with plastic cap stamped PLS 6552;

North 73°03'00" East 135.00 feet;

North 77°17'00" East 130.00 feet to a set 1/2" iron pin with plastic cap stamped PLS 6552;

North 72°10'00" East 200.00 feet to a set 1/2" iron pin with plastic cap stamped PLS 6552;

South 88°42'00" East 140.00 feet;

North 77°36'00" East 200.00 feet;

North 68°00'00" East 50.00 feet;

North 88°15'00" East 60.00 feet;

North 65°51'00" East 102.00 feet to a set 1/2" iron pin with plastic cap stamped PLS 6552;

North 58°37'59" East, 144.41 feet to a point on the North line of Government Lot 6 of said Section 33 marked by a found 5/8" iron pin; thence

South 89°21'14" West, 443.43 feet (Record South 89°26'47" West, 443.29) along the North line of said Government Lot 6 to a found 5/8" iron pin at the Northwest corner of said Government Lot 6; thence

South 89°52'33" West, 1330.82 feet (Record South 89°57'31" West) along the North line of the Southeast quarter of the Northwest quarter to the TRUE POINT OF BEGINNING.

Parcel IV:

That part of the SW¼ of the NW¼ of Section 33, Township 7 North, Range 1 West, B.M., Gem County, Idaho, lying South and East of the line described as follows:

BEGINNING at a point 385 feet East from the Southwest corner of the SW¼ of the NW¼ of said Section 33; thence

Northeasterly on a line 25 feet back from the brink of the bluff on the Payette River, to a point 237 feet South from the Northeast corner of said SW¼ of the NW¼ of said Section 33, T.7N., R.1W., B.M., Gem County, Idaho.

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Parcel V:

A parcel 60 feet in width lying in the Southeast quarter of the Northwest quarter of Section 33, Township 7 North, Range 1 West, Boise Meridian, Gem County, Idaho, more particularly described below:

Commencing at the Northwest corner of the Southeast quarter of the Northwest quarter of Section 33, Township 7 North, Range 1 West, Boise Meridian, Gem County, Idaho, the POINT OF BEGINNING; thence S.00°33'43" E. along the west boundary of the Southeast quarter of the Northwest quarter (formerly the Northwest quarter of the Southeast quarter) of Section 33, 380.21 feet to a set 1/2" iron pin with plastic cap stamped PLS 6552 on the bluff line; thence along the bluff line N.76°40'00" E. 61.52 feet to a point; thence leaving the bluff line N.00°33'43" W. parallel to and 60 feet easterly of the west boundary of the Southeast quarter of the Northwest quarter 380 feet, more or less, to the North boundary of the Southeast quarter of the Northwest quarter of Section 33; thence S.89°52'33" W. along the north boundary of the Southeast quarter of the Northwest quarter (formerly the Northwest quarter of the Southeast quarter) of Section 33, 60 feet, more or less, to the POINT OF BEGINNING.

Parcel VI:

The rights of ingress and egress as set forth in the Common Easement Agreement recorded as Instrument No. 184726, records of Gem County, Idaho, which is appurtenant to all or any portion of the real property described above as Parcels I, II, III, IV and V.

Parcels I, II, III, IV, V and VI shall all be subject to real property taxes and assessments for the year 2017 and thereafter and easements, reservations and restrictions of record or apparent including, without limitation, the easement reserved in that certain Grant Deed between Gary O. Smith as Grantor and Cathy L. Smith as Grantee which was recorded as Instrument No. 257720, records of the Gem County Recorder, Gem County, Idaho, which affects Parcel V described above (Smith Deed).

TOGETHER with the water rights listed below which are appurtenant to Parcels I, II, III, IV and V:

The following water rights which are part of a partial decree in that certain action filed in the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, Case No. 39576 entitled In re: the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System:

Water Right No. 65-01395
Water Right No. 65-01396
Water Right No. 65-01397
Water Right No. 65-01399
Water Right No. 65-01404
Water Right No. 65-04009

TOGETHER with all and singular the tenements, hereditaments, and appurtenances

CS

thereto belonging or in any way appertaining and the reversions, remainder and remainders, rents, issues and profits thereof and also all of the estate, right, title, interest in and to the above property, possession, claim and demand whatsoever, as well in law as in equity, in or to the premises, and every part or parcel thereof. This conveyance also includes the easement described as Parcel VIII in the Smith Deed.

TO HAVE AND TO HOLD all and singular the premises and the appurtenances forever.

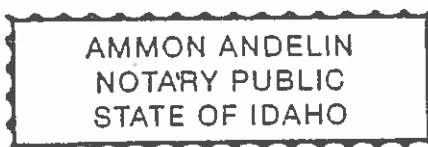
IN WITNESS WHEREOF, the Grantor has executed this instrument the day and year first above written.

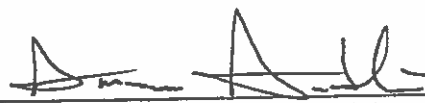

Cathy L. Smith

STATE OF IDAHO)
) ss.
County of Ada GEM)

On this 14 day of MARCH, 2017, before me, the undersigned Notary Public in and for the State of Idaho, personally appeared **CATHY L. SMITH**, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she 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 the State of Idaho
Residing at: EMMETT, ID
My Commission Expires: 7/14/2020

cf

State of Idaho
Department of Water Resources

Water Right
65-1395

DOMESTIC

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

01W



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.045 0.09 0.18 Miles



State of Idaho
Department of Water Resources

Water Right
65-1396

DOMESTIC

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

01W



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.045 0.09 0.18 Miles



Map produced on May 03, 2017

State of Idaho
Department of Water Resources

Water Right 65-1396

STOCKWATER

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

01W



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.045 0.09 0.18 Miles



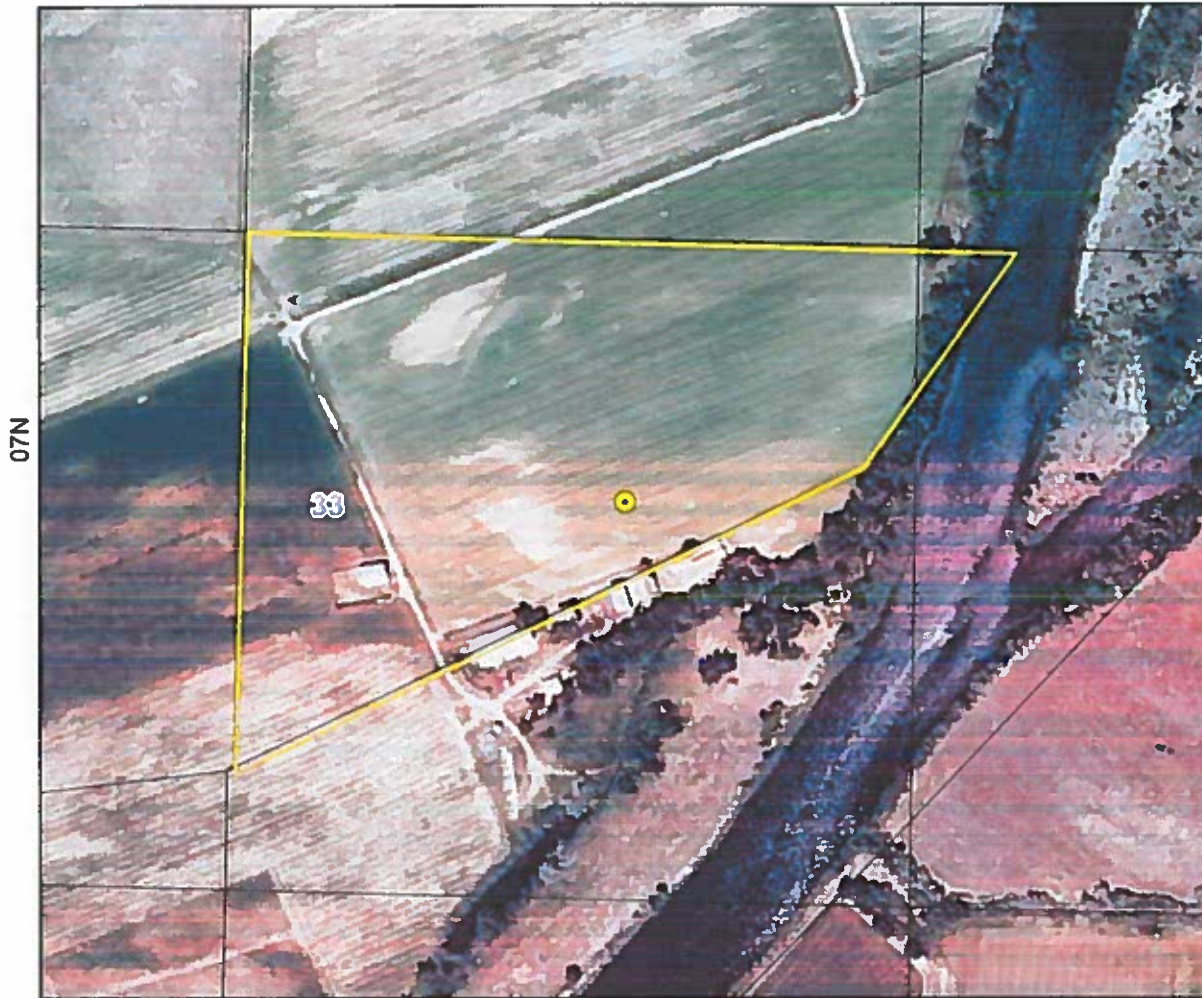
State of Idaho
Department of Water Resources

Water Right
65-1397

STOCKWATER

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

01W



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.045 0.09 0.18 Miles



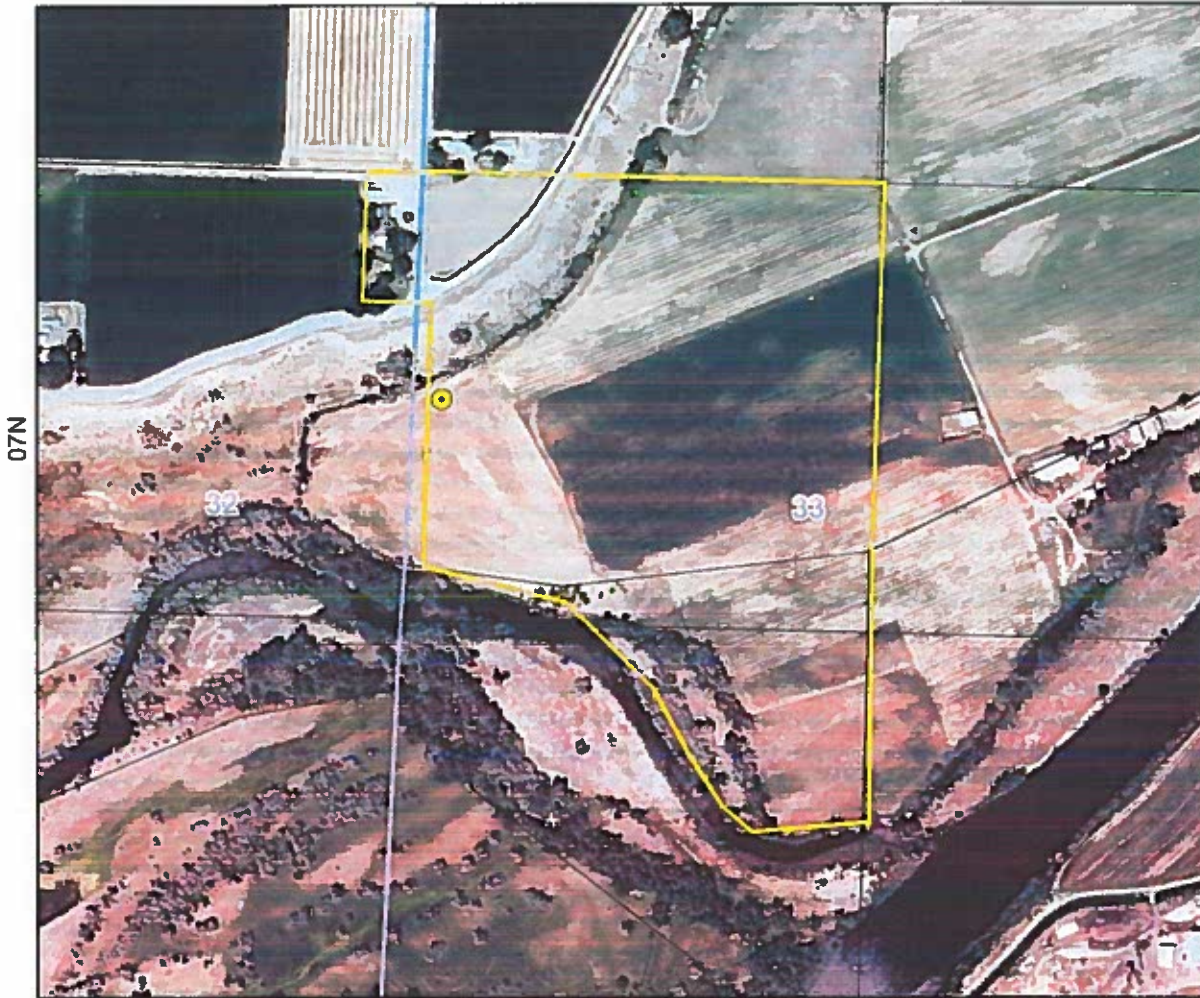
State of Idaho
Department of Water Resources

Water Right 65-1404

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

01W



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.05 0.1 0.2 Miles

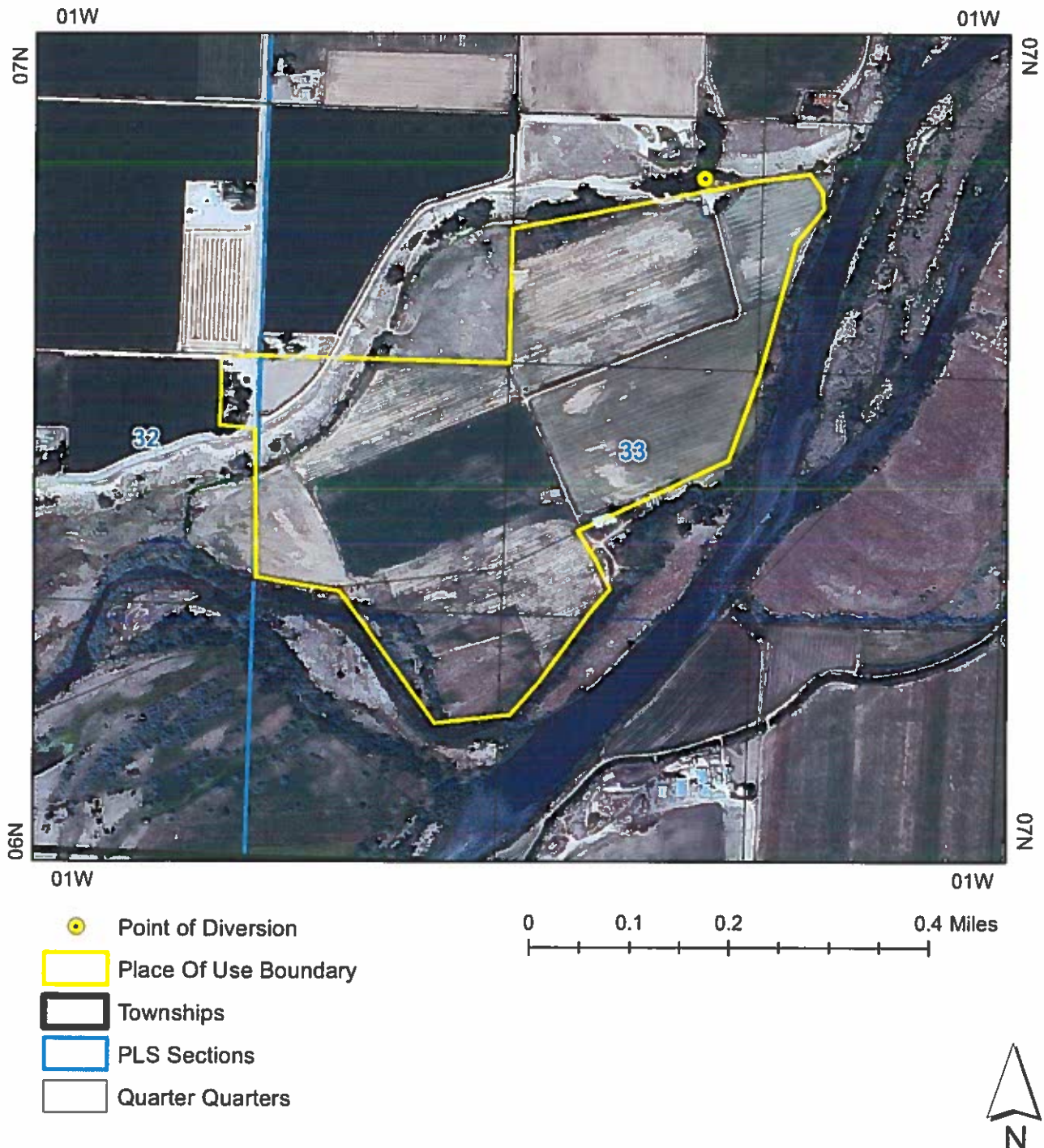


State of Idaho
Department of Water Resources

Water Right
65-1399

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

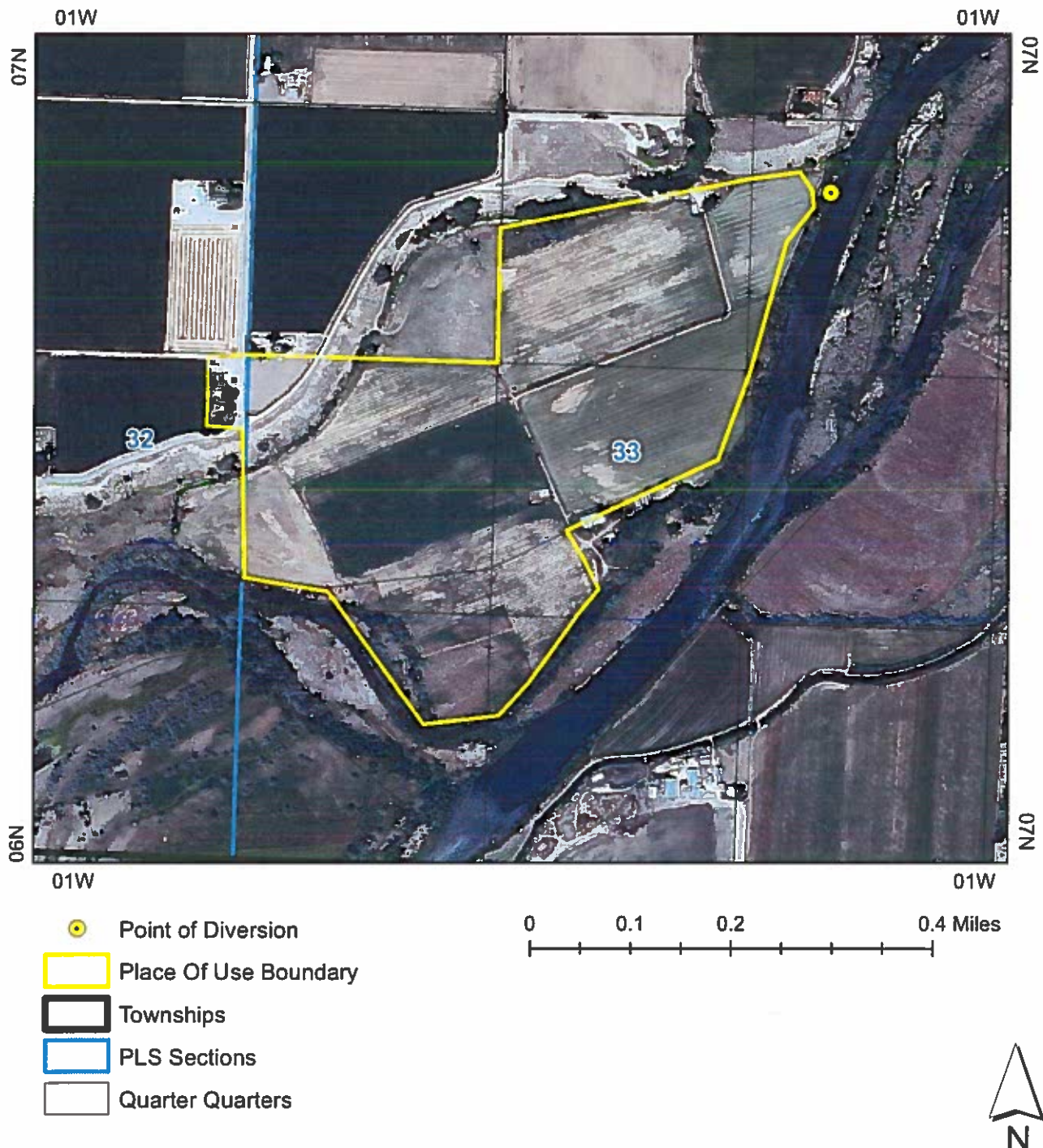


State of Idaho
Department of Water Resources

Water Right
65-4009

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 31, 2017

ACT HOLDINGS LLC
PO BOX 140355
GARDEN CITY ID 83714

RE: Notice of Ownership Change in Water Right No's:

65-1395, 65-1396, 65-1397, 65-1399, 65-1404 & 65-4009

Dear Applicants,

The Department acknowledges the receipt of correspondence changing ownership of the above referenced water rights to you. The Department has modified its records to reflect the change in ownership and has enclosed computer-generated reports for your records.

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.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right, to the Department. Notice of the change must be provided to the Department within 120 days of the change. Change reporting forms are available from any office of the Department, or at www.idwr.idaho.gov.

Thank you for your patience and cooperation. Please call (208)334-2190 if you have any questions concerning the enclosed information.

Sincerely,

Chad Jones
Office Specialist II
Western Regional Office

Enclosures