

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 15 2016

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.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
35-13997	Yes ☒	35-13999	Yes ☒		Yes ☐
^	Yes ☐	^	Yes ☐		Yes ☐
35-13997+35-14488	Yes ☐	35-13999+35-14489	Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: John M. Ritchie and Kaye Ritchie
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Merlin Smith, Sr.
Name of each new owner as listed on the conveyance document

New owner continued Name connector ☐ and ☐ or ☐ and/or
833 S Stout Ave
Mailing address
Blackfoot ID 83221
City State ZIP
208-317-3513 n/a
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: 10/26/2015

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 # 35-13997

7. Signature: Merlin Smith, Sr. Merlin Smith, Sr.
Signature of new owner/claimant Title, if applicable Date

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

For IDWR Office Use Only:

Received by JB Date 6/15/2016 Receipt No. E042179 Receipt Amt. \$200.-
Approved by JB Processed by BJ Date 10/26/2016

facsimile
TRANSMITTAL

to: IDWR
attn: Jonic
525-7177

re: Smith, Merlin
date: July 29, 2016
pages: 3

RECEIVED
JUL 29 2016
Department of Water Resources
Eastern Region

From the desk of...

Adriana A. Pelayo
Legal Assistant
Baker & Harris
266 W Bridge
Blackfoot, ID 83221
208-785-2310
Fax: 208-785-8749
E-Mail apelayo@bakerharrislaw.com

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facsimile
TRANSMITTAL

RECORDING REQUESTED BY: Baker & Harris 266 W Bridge Blackfoot, ID 83221	Instrument # 661996 BINGHAM COUNTY, IDAHO 2014-10-08 12:21:16 PM No. of Pages: 2 Recorded for: BAKER & HARRIS SARA J. STAUB Fee: \$13.00 Ex-Officio Recorder Deputy DWootton Index To: WARRANTY DEED Electronically Recorded by SimpliFile space above this line for Recording use only
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Correct Deed

WARRANTY DEED

For Value Received, the NYLE IVAN (shown of record as Evan) AND CHERYL MAE TANNER FAMILY TRUST, dated February 27, 2007, the Grantor, does hereby grant, bargain, sell, and convey unto MERLIN SMITH, SR., a married person dealing with his sole and separate property, of 833 S. Stout, Blackfoot, Idaho 83221, the Grantee, the following-described premises, to-wit:

Parcel 1:

Part of Section 4, Township 2 South, Range 34 East, B.M., Bingham County, Idaho, described as: Beginning at a point that is N. 00°23'16" E. 1132.15 feet along the Section line and N. 89°24'15" W. 30.00 feet and West 627.93 feet from the SE corner of said Section 4, and running thence N. 00°23'16" E. 350.00 feet; thence W. 671.97 feet; thence S. 00°23'16" W. 350.00 feet; thence E. 671.97 feet to the point of beginning.

Parcel 2:

Together with an ingress-egress easement described as: Part of Section 4, Township 2 South, Range 34 East, B.M., Bingham County, Idaho, described as: Beginning at a point that is N. 00°23'16" E. 1132.15 feet along the Section line and W. 30.00 feet from the SE corner of said Section 4, and running thence W. 1299.90 feet; thence S. 00°23'16" W. 50.00 feet; thence E. 1299.90 feet; thence N. 00°23'16" E. 50.00 feet to the point of beginning.

Commonly known as: 524 North 900 West, Blackfoot, ID 83221.

No water rights are being transferred with this property.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Subject to all existing rights-of-ways for public highways, protective covenants, utility lines, existing roadways, irrigation ditches and all building, zoning and other restrictions of use and all encumbrances of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said GRANTEE, his heirs and assigns forever. The said Grantor does hereby covenant to and with the said Grantee, that it is the owners in fee simple of said premises; that said premises are free from all encumbrances except as hereinabove set forth and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 1st day of October, 2014.

NYLE IVAN AND CHERYL MAE TANNER FAMILY TRUST

Nyle Ivan Tanner
By: Nyle Ivan Tanner
It's: Trustee

Cheryl Mae Tanner
By: Cheryl Mae Tanner
It's: Trustee

STATE OF IDAHO)
County of Bingham) ss:

On this 1st day of October, 2014, before me personally appeared NYLE IVAN TANNER and CHERYL MAE TANNER, known or identified to me, to be the persons whose names are subscribed to the within instrument as Trustees of the NYLE IVAN AND CHERYL MAE TANNER FAMILY TRUST, dated February 27, 2007, and acknowledged to me that they executed the same as such Trustees of the NYLE IVAN AND CHERYL MAE TANNER FAMILY TRUST, dated February 27, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year first above written.



Jennifer Moon
Notary Public
Residing at Blackfoot
My Commission Expires 11-20

RECORDING REQUESTED BY:
Baker & Harris
266 W Bridge Street
Blackfoot, ID 83221

Instrument # 671498
BINGHAM COUNTY, IDAHO
2015-10-27 04:18:57 PM No. of Pages: 2
Recorded for: BAKER & HARRIS
PAMELA W. ECKHARDT Fee: \$13.00
Ex-Officio Recorder Deputy JPulley
Index To: PERSONAL REPRESENTATIVE D
Electronically Recorded by Simplifile

space above this line for Recorder's use only

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, made by EVELYN KAYE RITCHIE, individually and as Personal Representative of the Estate of JOHN M. RITCHIE, deceased, Grantor, and EVELYN KAYE RITCHIE, a single person, Grantor, and MERLIN SMITH, SR., a married man as his sole and separate property, Grantee, whose address is 833 S Stout Ave, Blackfoot, Idaho 83221.

WHEREAS, Grantor is the qualified Personal Representative of said Estate, filed as Probate Case Number CV-2015-1472 in Bingham County, Idaho; and

THEREFORE, for valuable consideration received, Grantor sells and conveys to Grantee the following-described real property in Bingham County, Idaho:

Part of Section 4, Township 2 South, Range 34 E.B.M., Bingham County, Idaho, described as:

Beginning at a point that is N. 00°23'16" E. 380 feet along the Section line and N 89°24'15" W 657.92 feet from the SE corner of said Section 4; and running thence N 00°23'15" E. 695.62 feet; thence W 671.97 feet; thence S 00°23'16" W. 688.63 feet; thence S 89°24'15" E 671.93 feet to the point of beginning.

EXCEPTING:

Part of Section 4, Township 2 South, Range 34 E.B.M., Bingham County, Idaho, described as: Beginning at a point that is N 00°23'16" E 380.00 feet along the East line of said Section 4 and N 89°24'15" W 657.92 feet to the TRUE POINT OF BEGINNING, all from the Southeast corner of said Section 4: and running thence N 00°23'15" E 695.62 feet to the South line of a parcel described in Bingham County Deed Instrument No. 657668; thence N 90°00'00" W 50.00 feet; thence S 00°23'15" W 395.10 feet; thence N 89°24'15" W 621.93 feet more or less to the East line of the property described in Bingham County Deed Instrument No. 657668; thence S 00°23'16" W 300.00 feet; thence S 89°24'15" E 671.93 feet more or less to the Point of Beginning.

RECORDING REQUESTED BY:
Baker & Harris
266 W Bridge Street
Blackfoot, ID 83221

Recorded Electronically	
ID	0711498
County	Bingham
Date	10/17/15 Time 04:19:57pm
Simplifile.com 800.480.5857	

space above this line for Recorder's use only

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, made by EVELYN KAYE RITCHIE, individually and as Personal Representative of the Estate of JOHN M. RITCHIE, deceased, Grantor, and EVELYN KAYE RITCHIE, a single person, Grantor, and MERLIN SMITH, SR., a married man as his sole and separate property, Grantee, whose address is 833 S Stout Ave, Blackfoot, Idaho 83221.

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Parcel contains 5.08 acres more or less.

Together with an ingress-egress easement described as follows.

Part of Section 4, Township 2 South, Range 34 E.B.M., Bingham County, Idaho, described as: Commencing at the Southeast corner of said Section 4, thence along the East line of said Section 4, N 00°23'16" E 1132.15 feet; thence N 89°24'15" W 30.00 feet to the West line of a County Road, said point being the Point of Beginning; thence N 90°00'00" W 678.00 feet; thence S 00°23'16" W 50.00 feet; thence S 90°00'00" E 678.00 feet; thence N 00°23'16" E 50.00 feet to the POINT OF BEGINNING.

Together with the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining; subject however, to all zoning laws, city ordinances, easements, restrictive agreements and rights of ways and public roads.
with all appurtenances.

EXECUTED this 26 day of October, 2015.

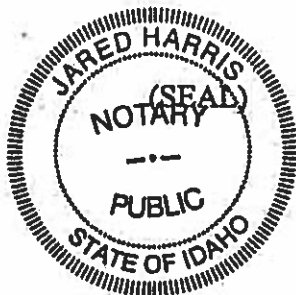
Evelyn Kaye Ritchie
Evelyn Kaye Ritchie, Individually

Evelyn Kaye Ritchie
Evelyn Kaye Ritchie, as Personal Representative
of the Estate of John M. Ritchie

STATE OF IDAHO)
 : ss
County of Bingham)

On this 26 day of October, 2015, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared EVELYN KAYE RITCHIE, known to me to be the Personal Representative of the Estate of JOHN M. RITCHIE, and the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same individually and in her capacity as Personal Representative of the Estate of JOHN M. RITCHIE.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year first above written.



Jared Harris
Notary Public for Idaho
Residing at: Blackfoot, Idaho
My Commission Expires: 2/23/17



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 9, 2016

Merlin Smith Sr
833 S Stout Ave
Blackfoot ID 83221

RE: Change of Ownership for Water Rights 35-13997 (Split into 35-13997 & 35-14488) and 35-13999 (Split into 35-13999 & 14489)

Dear Water Right Holder:

The department acknowledges receipt of correspondence changing ownership and splitting the above referenced water right. The department has modified its records to reflect the changes and has enclosed computer-generated reports for your records.

Your portion of the water right has a specified point of diversion, nature of use and place of use. If you plan on changing any of these, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. If you do not plan on changing any items on your water right, then no further action is required at this time.

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 deliberately abandoned or 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 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,

Jonie Barg
Technical Records Specialist

Enclosures

cc: John Ritchie
Kaye Ritchie
Water District 120
Bingham Ground Water District

RECEIVED

JUN 15 2016

Department of Water Resources
Eastern Region

Law Offices of

BAKER & HARRIS

Dwight E. Baker
Jared M. Harris *
Jonathan W. Harris
* Also Admitted in Utah

266 W. BRIDGE STREET
BLACKFOOT, ID 83221
Telephone (208) 785-2310
Facsimile (208) 785-6749
E-Mail — jharris@bakerharrislaw.com

June 13, 2016

Idaho Department of Water Resources
900 N Skyline Dr. Suite A
Idaho Falls, ID 83402-1718

Re: Seller: Kaye Ritchie
 Purchaser: Merlin Smith, Sr.
 Property: Bingham County Property
 B&H File No.: 10417

To whom it may concern:

Enclosed please find the Notice of Change in Water Right Ownership application in the above referenced matter.

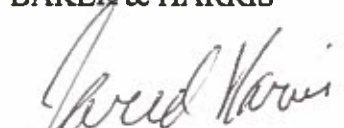
Also, enclosed please find our check No. 12300 in the amount of \$200.00, for the Idaho Department of Water Resources Split filing fee for John M. Ritchie, Kaye Ritchie and Merlin Smith for the water right No. 13997 and 13999.

We appreciate your assistance in this matter.

If you have any questions please feel free to give my office a call.

Sincerely,

BAKER & HARRIS


Jared M. Harris
JMH/ap
Enclosures/ Check # 12300
cc Merlin Smith

J:\Smith, Merlin\Ritchie, Kaye\LDFT\IDWR 1