

RECEIVED**JAN 20 2015**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**Notice of Change in Water Right Ownership**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.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
WR 65-1395	Yes ☒	WR 65-4009	Yes ☒		Yes ☐
WR 65-1396	Yes ☒	WR 65-7154B	Yes ☒		Yes ☐
WR 65-1397	Yes ☒		Yes ☐		Yes ☐
WR 65-1399	Yes ☒		Yes ☐		Yes ☐
WR 65-1404	Yes ☒		Yes ☐		Yes ☐

2. Previous Owner's Name:

Gary O. AND CATHY L. Smith
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s):

CATHY L. Smith
New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or ☐ and/or

P.O. Box 140355
Mailing address

Garden City
City

ID 83714
State ZIP

208-365-8050
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: May 1995, By Divorce 2006, By Grant Deed 2007.

6. If the water right described herein has been rented from the Water Supply Bank, rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:

- Rental payments will go to the lessor(s) of record at the beginning of the rental season.
- If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
- New lessor(s) of record will receive payment after the following rental season.

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.

SUPPORT DATA**IN FILE #** 65-1395

8. Signature:

Cathy L. Smith
Signature of new owner/claimant

Title, if applicable

January 20, 2015
Date

Signature:

Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by RS

Date 1/20/15

Receipt No. W042747

Receipt Amt. \$175⁰⁰

Approved by RS

Processed by RS

Date 1/26/15

SCANNED
JAN 26 2015

INSTRUMENT NO. 257720
PAGES 1 OF 6

Instrument # 257720

EMMETT, GEM, IDAHO

2007-02-22

11:05:00 No. of Pages: 6

Recorded for: CATHY SMITH

SHELLY GANNON

Fee 18.00

Ex-Officio Recorder Deputy

Index to: DEED

Judy Evans

GRANT DEED

THIS GRANT DEED is made and entered into the 22nd day of February, 2007, by and between GARY O. SMITH, a single man and formerly the husband of Cathy L. Smith, (Grantor) and CATHY L. SMITH, a single person and formerly the wife of Gary O. Smith, (Grantee). Grantee's current address is P.O. Box 140355, Boise, Idaho 83714.

The 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, 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.

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 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 Northwest quarter of the Southeast quarter of Section 33, 60 feet, more or less, to the POINT OF BEGINNING.

RESERVING, unto Grantor and to Grantor's successors, heirs and assigns and their respective employees, tenants, guests, invitees and licensees permanent, non-exclusive, easements or rights-of-way (collectively Easement) for a road and for the construction and use of a utility line or lines. The Easement shall be appurtenant to all or any part of and for the benefit of and shall never be severed from the Appurtenant Property as described below:

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, Township 7 North, Range 1 West, Boise Meridian, Gem County, Idaho, more particularly described as follows but excepting therefrom the west sixty (60) feet thereof:

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.

The Easement shall be across, over and under the real property (Premises) 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; thence S.00°33'43" E. along the west boundary of the Southeast quarter of the Northwest quarter of Section 33, 60 feet to a point; thence N.89°52'33"E., 30 feet to a point, the POINT OF BEGINNING; thence continuing N.89°52'33"E. to a point; thence N.00°33'43" W. parallel to and 60 feet easterly of the west boundary of the Southeast quarter of the Northwest quarter of Section 33 a distance of 60 feet to a point on the North boundary of the Southeast quarter of the Northwest quarter of Section 33; thence along the north boundary of the Southeast quarter of the Northwest quarter of Section 33 S.89°52'33"W. 30 feet to a point; thence S.00°33'43"E. 60 feet to a point, the POINT OF BEGINNING.

The Easement shall be for the purposes of a road and for running utility and service lines, cables, conduits and pipelines under the Premises.

Grantee and Grantee's successors, heirs and assigns shall have and hold the Easement for the purposes herein provided forever.

The Grantor and the Grantee and their respective successors, heirs and assigns shall have the common use of the Easement. Each shall use it so as not to unreasonably interfere with the use of the other. No gate or other obstruction will be placed across the Premises which obstructs the free and unimpaired access to the Appurtenant Property unless placed by the Grantor or Grantor's successors, heirs and assigns.

The use of the Easement for all purposes shall be limited to obtaining ingress to and egress from one single family residence on the Appurtenant Property and for purposes allied thereto. Use of the Easement to obtain ingress to and egress from a business or commercial facility of any kind for profit or not for profit located upon the Appurtenant Property which is frequented by customers or persons other than residents of the Appurtenant Property or to obtain ingress to and egress from a service enterprise such as a child daycare facility, accounting office or tax preparer office shall be prohibited.

Grantee and Grantee's successors, heirs and assigns shall have the right to dedicate to the public a public road lying across the Premises.

Parcel VI:

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

Parcel VII:

The rights of ingress and egress as set forth in the Common Easement Agreement recorded as Instrument No. 184726, records of Gem County, Idaho, to the extent that the ingress and egress easement is an appurtenance to all or any portion of the real property described above as Parcels I, II, III, IV and V. Grantor does not, however, intend to convey Grantor's rights to the Common Easement Agreement as an appurtenance to the Appurtenant Parcel described in the description of Parcel V.

Parcel VIII:

A permanent, non-exclusive, easement or right-of-way (Easement) for a road. The Easement shall be appurtenant to and for the benefit of and shall never be severed from Parcels I, II, III, IV and V as described above (Appurtenant Parcels).

The Easement shall be across and over the Real Property (Servient Estate) 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; thence along the north boundary of the Southeast quarter of the Northwest quarter of Section 33 N.89°52'33" E. a distance of 60 feet to a point, the POINT OF BEGINNING; thence continuing N.89°52'53"E. a distance of 1,270.82 feet to a found 5/8 inch pin at the Northeast corner of the Southeast quarter of the Northwest quarter of Section 33; thence S.00°33'43" E. a distance of 40 feet to a point; thence S.89°52'33" W. a distance of 1,270.82 feet to a point; thence parallel to the west boundary of the Southeast quarter of the Northwest quarter of Section 33 N.00°33'43" W. a distance of 40 feet to a point, the POINT OF BEGINNING.

The Easement shall be for the purposes of a road, running utility lines and obtaining access to, constructing, operating and maintaining diversion works to divert and use water under Water Right No. 65-1399 referred to above in parcel VI. Grantee and Grantee's successors, heirs and assigns shall have and hold the Easement for the purposes herein provided forever.

The Grantor and the Grantee and their successors, heirs and assigns, and their respective employees, tenants, guests, invitees and licensees shall have the

common use of the Easement. Each shall use it so as to not unreasonably interfere with the use of the other. The Easement shall be appurtenant to all or any part of the Appurtenant Parcel.

Parcels I, II, III, IV, V, VI, VII and VIII shall all be subject to real property taxes and assessments for the year 2007 and thereafter and easements, reservations and restrictions of record or apparent.

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

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

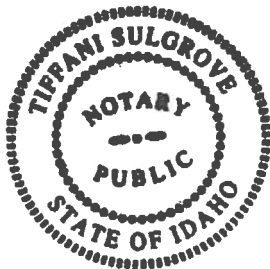
IN WITNESS WHEREOF, the Grantor has executed this instrument the day and year first above written.

Gary O. Smith
Gary O. Smith

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

On this 22 day of February, 2007, before me, the undersigned Notary Public in and for said State, personally appeared **GARY O. SMITH**, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.



Tiffani Sulgrove
Notary Public for State of Idaho
Residing at Emmett
My Commission Expires: August 3, 2012



Owner

SMITH, CATHY L; SMITH, GARY O
SMITH, CATHY L; SMITH, GARY O
SMITH, CATHY L; SMITH, GARY O
SMITH, CATHY L; SMITH, GARY O
SMITH, CATHY L; SMITH, GARY O
SMITH, CATHY L; SMITH, GARY O
SMITH, CATHY L; SMITH, GARY O

SCANNED

JAN 26 2015

Type	Basin	Sequence	Suffix	Basis	Status	Priority Date	Div. Rate (cfs)	Source	Water Use
WR	65	1395		Decreed	Active	6/1/1920	0.04	GROUND WATER	DOMESTIC, STOCKWATER
WR	65	1396		Decreed	Active	4/1/1897	0.02	SPRING	DOMESTIC, STOCKWATER
WR	65	1397		Decreed	Active	7/1/1958	0.09	GROUND WATER	STOCKWATER
WR	65	1399		Decreed	Active	4/1/1920	1.8	WASTE WATER	IRRIGATION
WR	65	1404		Decreed	Active	6/1/1950	0.16	SPRING	IRRIGATION, STOCKWATER
WR	65	4009		Decreed	Active	4/1/1895	3.64	PAYETTE RIVER	IRRIGATION
WR	65	7154 B		Decreed	Active	11/10/1969	0.025	SPRING	DOMESTIC

SCANNED

JAN 26 2015