

DE

AUG 28 2014

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

WATER RESOURCES  
WESTERN 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?                       |
|-----------------------|------------------------------|-----------------------|------------------------------|-----------------------|------------------------------|
| 65-17851              | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |

2. Previous Owner's Name: John W. Clemer and Margaret L. Clemer  
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Kirk G. Smith and Marsha Orsatelli-Smith  
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or ☐ and/or
- |                 |                   |       |       |
|-----------------|-------------------|-------|-------|
| P.O. Box 4210   | McCall            | ID    | 83638 |
| Mailing address | City              | State | ZIP   |
| 208-630-8822    | kgsmith@ssis3.net |       |       |
| 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: June 9, 2014

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

8. Signature: [Signature] Title, if applicable \_\_\_\_\_ Date 8/19/14
- Signature: [Signature] Title, if applicable \_\_\_\_\_ Date 8/19/14

For IDWR Office Use Only:

Received by BB Date 8/28/14 Receipt No. W042477 Receipt Amt. 75.00

Approved by [Signature] Processed by [Signature] Date 12/11/14 3 WR #s



Instrument # 386858  
VALLEY COUNTY, CASCADE, IDAHO  
08-26-2014 13:15:01 No. of Pages: 2  
Recorded for: AMERITITLE CASCADE  
DOUGLAS A. MILLER Fee: \$13.00  
Ex-Officio Recorder Deputy: JLP  
Electronically Recorded by Simplifile

## Corrected WARRANTY DEED

This deed is being given to correct an error in the legal description.

Order No.:12818AM

### FOR VALUE RECEIVED

P Bradley Enterprises LLC, an Idaho limited liability company  
the grantor(s), do(es) hereby grant, bargain, sell and convey unto

**Kirk G. Smith and Marsha Orsatelli-Smith**

whose current address is:

PO Box 4210  
McCall, ID 83638

the grantee(s), the following described premises, in Valley County, Idaho, TO WIT:

A parcel of land situate in Government Lot 1 of Section 33, Township 19 North, Range 3 East, Boise Meridian, Valley County, Idaho, being the southwest 50 feet of Lot 59, Amended Payette Lake Cottage Sites, as shown on the official plat thereof on file in the office of the Recorder of Valley County, Idaho, in Book 1, Page 19 of Plats, more particularly described as follows:

Commencing at an aluminum cap marking the north east corner of Lot 65, Amended Payette Lake Cottage Sites, as shown on the official plat thereof on file in the office of the Recorder of Valley County, Idaho in Book 1 on Page 19 of Plats; thence, S. 56° 14' 45" W., a distance of 658.65 feet along the southeast boundary of Payette Drive to a 1/2 inch diameter rebar on the northwest boundary of Lot 59, said Amended Payette Lake Cottage Sites, the REAL POINT OF BEGINNING:

Thence, S. 34° 00' 08" E., a distance of 262.95 feet to the high water mark of Payette Lake,

Thence, S. 65° 42' 05" W., a distance of 50.73 feet along said high water mark,

Thence, leaving said high water mark, N. 34° 00' 08" W., a distance of 254.62 feet along the boundary common to Lots 58 and 59, said Payette Lake Cottage Sites to the southeast boundary of Payette Drive,

Thence, N. 56° 14' 45" E., a distance of 50.00 feet to the Point of Beginning.

Bearings are based on State Plane Grid.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record. And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 8-25-14

P Bradley Enterprises LLC, an Idaho limited liability company

Paul Saccoman  
Paul Saccoman

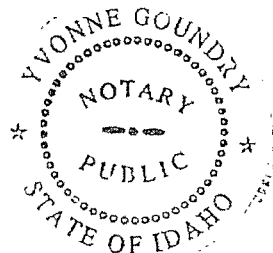
Roberta H. Saccoman  
Roberta H. Saccoman

State of Idaho } ss  
County of Ada }

On this 25th day of August, 2014, before me,  
Yvonne Goundry, a Notary Public in  
and for said state, personally appeared  
Paul & Roberta H. Saccoman known or identified to  
me to be the Managing Member in the Limited Liability Company known as who  
executed the foregoing instrument, and acknowledged to me that he/she executed the  
same in said LLC name.

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

Yvonne Goundry  
Yvonne Goundry  
Notary Public for the State of Idaho  
Residing at: Boise  
Commission Expires: 9/30/18



Instrument # 384749  
VALLEY COUNTY, CASCADE, IDAHO  
06-09-2014 12:36:10 No. of Pages: 2  
Recorded for: FIRST AMERICAN TITLE - MCCALL  
DOUGLAS A. MILLER Fee: \$13.00  
Ex-Officio Recorder Deputy: JLP  
Electronically Recorded by Simplifile

**RECORDING REQUESTED BY**  
First American Title Company

**AND WHEN RECORDED MAIL TO:**  
First American Title Company  
616 North 3rd Street Suite 101  
McCall, ID 83638

ELECTRONICALLY RECORDED - DO NOT  
REMOVE THE COUNTY STAMPED FIRST  
PAGE AS IT IS NOW INCORPORATED AS  
PART OF THE ORIGINAL DOCUMENT.

Space Above This Line for Recorder's Use Only

### **WARRANTY DEED**

File No.: **501408-MC (kt)**

Date: **May 02, 2014**

For Value Received, **Michael S. Adkins and Laura Adkins, husband and wife, who took title as Michael Adkins also known as Michael S. Adkins, an unmarried man**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Kirk G. Smith and Marsha Orsatelli-Smith, husband and wife**, hereinafter called the Grantee, whose current address is **P.O. Box 4210, McCall, ID 83638**, the following described premises, situated in **Valley County, Idaho**, to-wit:

**Amended Lot 58 of Amended Payette Lake Cottage Sites according to the official plat in the office of the Recorder, Valley County, Idaho, recorded in Book 1 of Plats, at page 19A.**

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

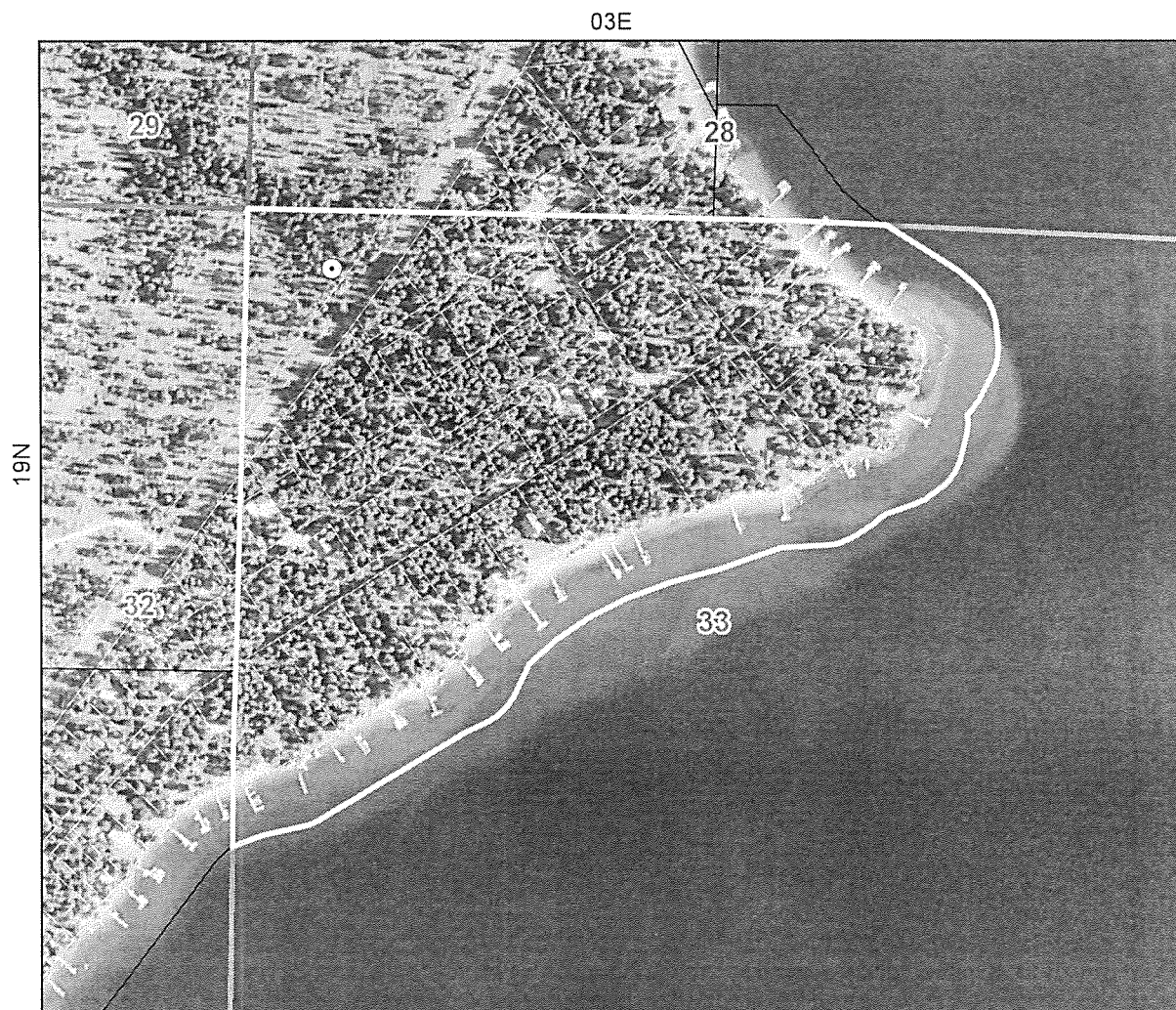
TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

State of Idaho  
Department of Water Resources

**Water Right**  
**65-17851**

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.



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

0 0.05 0.1 0.2 Miles





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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

December 11, 2014

KIRK G SMITH & MARSHA ORSATELLI-SMITH  
PO BOX 4210  
MCCALL ID 83638

RECEIVED

DEC 22 2014

DEPARTMENT OF  
WATER RESOURCES

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

**65-17851, 65-9605 & 65-9604.**

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](http://www.idwr.idaho.gov).

Thank you for your patience and cooperation. Please call me if you have any questions concerning the enclosed information.

Sincerely,

Rachel Sommer  
Administrative Assistant I  
Western Regional Office  
208-334-2190

Enclosures

CC: MARY KAY ALANDT  
THORNTON BYRON LLP  
PO BOX 7156  
BOISE ID 83707

SCANNED

DEC 18 2014

RECEIVED

AUG 28 2014

LAW OFFICE

THORNTON & BYRON LLP  
TAX • ESTATE PLANNING • BUSINESS • WEALTH PRESERVATION  
WATER RESOURCES  
WESTERN REGION

RIVERFRONT PLAZA  
3101 W. MAIN, SUITE 200  
BOISE, IDAHO 83702-2099

P.O. BOX 7156  
BOISE, IDAHO 83707-1156

TELEPHONE: 208-344-8600  
FACSIMILE: 208-344-8720

WWW.THORNTONBYRON.COM

D. JOHN THORNTON, P.A.  
GREGORY A. BYRON, LL.M., P.A.  
AMBER R. MYRICK, LL.M., P.A.  
KEVIN C. BELEW, LL.M., P.A.  
JUSTIN C. JONES, LL.M., P.C.

JENYA SHANAYEVA, LL.M.  
JOSHUA G. HILLIARD, LL.M.

PRACTICE LIMITED TO:  
IDAHO, CALIFORNIA, NEVADA,  
OREGON, UTAH, WASHINGTON

August 27, 2014

IDWR Western Region  
2735 Airport Way  
Boise, ID 83705-5082

Re: Notice of Change in Water Right Ownership

To Whom it May Concern,

Enclosed please find three (3) separate Notice of Change in Water Right Ownership forms, supporting documentation including maps and vesting instruments, and appropriate fees. Kindly process the forms and return to our office; an envelope is included for your convenience.

If you have any questions or need additional information, please call. We look forward to hearing from you.

Very truly yours,



Mary Kay Alandt  
Legal Secretary

/mka  
Enclosure

COPY