

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED**JAN 30 2014****Notice of Change in Water Right Ownership**

Department of Water Resources

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?
98-7080	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: James M Smith

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Consolidated Farms, LLC, d/b/a, Elk Mountain Farms, LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or

822 Budweiser Loop

Mailing address

Bonnars Ferry

City

ID

State

83805

ZIP

208-267-8569

Telephone

ed.atkins@anheuser-busch.com

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: 11/9/1988

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.

8. Signature: Ed Atkins
Signature of new owner/claimant

General Manager
Title, if applicable

1/27/14
Date

Signature: _____
Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by _____ Date _____

Receipt No. N015242

Receipt Amt. 25.00

Approved by _____ Processed by CW

Date 1-31-14

8293j
11/4/88

GENERAL WARRANTY DEED

FOR VALUE RECEIVED, Flying S Ranch, Inc., an Idaho corporation, the grantor does hereby grant, bargain, sell, and convey unto Consolidated Farms, Inc., a Delaware corporation, d/b/a Elk Mountain Farms, Inc. whose current address is P. O. Box 1242, Bonners Ferry, Idaho 83805, the grantee, the following described premises in Boundary County, Idaho, to wit:

Tract I:

Lots Two (2), Three (3), Four (4), Five (5) and Six (6), the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4), the South Half of the Northwest Quarter (S 1/2 NW 1/4), the Southwest Quarter (SW 1/4), and the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4), being all that part of Section Twenty-three (23), lying and being West of the Kootenai River, all in Township Sixty-four (64) North, Range One (1) West, B.M., Boundary County, Idaho.

Tract II:

Lots Three (3), Four (4) and Seven (7) of Section Twenty-four (24), Township Sixty-four (64) North, Range One (1) West, B.M., Boundary County, Idaho.

Excepting therefrom, so much of said Tract which is an island in the Kootenai River, as described as follows:

A tract of land in Government Lots Four (4) and Seven (7) of Section Twenty-four (24), Township Sixty-four (64) North, Range One (1) West of the Boise Meridian, Boundary County, Idaho; more particularly described as follows:

Commencing at the East Quarter corner of said Section 24; thence S 89 54' 49" W, along the east-west centerline of the Section, 2,270.46 feet, to a point on the high bank of the Kootenai River and the TRUE POINT OF BEGINNING; thence along the high bank of the Kootenai River for the following 22 courses:

1. S 09 degrees 39' 59" E, 168.19 feet;
2. S 01 degrees 42' 42" E, 279.28 feet;
3. S 14 degrees 21' 36" W, 241.94 feet;

4. S 16 degrees 58' 02" W, 148.08 feet;
5. S 37 degrees 17' 43" W, 149.20 feet;
6. S 44 degrees 19' 04" W, 198.71 feet;
7. N 38 degrees 56' 14" W, 197.58 feet;
8. N 41 degrees 59' 49" W, 130.59 feet;
9. N 11 degrees 44' 17" W, 58.52 feet;
10. N 63 degrees 49' 01" W, 77.91 feet;
11. N 33 degrees 46' 41" W, 429.94 feet;
12. N 45 degrees 54' 08" W, 126.34 feet;
13. N 30 degrees 19' 46" W, 282.32 feet;
14. N 20 degrees 52' 52" W, 153.36 feet;
15. N 51 degrees 58' 50" W, 278.10 feet;
16. N 33 degrees 17' 00" W, 136.55 feet;
17. N 50 degrees 18' 02" E, 415.90 feet;
18. S 86 degrees 33' 02" E, 292.07 feet;
19. S 81 degrees 21' 21" E, 413.92 feet;
20. S 61 degrees 30' 48" E, 299.40 feet;
21. S 19 degrees 00' 33" E, 331.48 feet;
22. S 09 degrees 39' 52" E, 109.49 feet;
to the TRUE POINT OF BEGINNING; forming an island
containing 32.64 acres

Tract III:

Lot Two (2) and the Northwest Quarter (NW 1/4) of Section
Twenty-six (26), Township Sixty-four (64) North, Range One
(1) West, B.M., Boundary County, Idaho.

TO HAVE AND TO HOLD the said premises, with their
appurtenances unto the said grantee and its heirs and
assigns forever. And the said grantor does hereby covenant
to and with the said grantee that said grantor owns the
premises in fee simple, and that they are free from all
encumbrances except those set out on Exhibit A attached
hereto, and that said grantor will warrant and defend the
same from all lawful claims whatsoever.

IN WITNESS WHEREOF, the grantor has caused this deed to
be executed this ____ day of November, 1988.

By: _____
Its _____

STATE OF IDAHO)
) ss
County of Boundary)

On this 24 day of November in the year 1988, before me Shirley M. Lander, personally appeared Rebecca H. Smith known or identified to me to be the president, or vice-president, or secretary or assistant or the person who executed the instrument on behalf of said corporation and acknowledged to me that such corporation 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.

Shirley M. Lander
Notary Public, residing at
2200 N. 1st St.
My commission expires on: 11/1/91

7/27/88

EXHIBIT A

FLYING S RANCH
PERMITTED TITLE EXCEPTIONS

1. Roadway agreement by and between Ralph Kerr and Marie Kerr, his wife, Boundary County, Idaho, and Matt Ripatti, recorded in Book 6 of Miscellaneous, page 12, records of Boundary County, on April 27, 1942, an abstracted copy of which is attached hereto and by reference made a part hereof.
2. Easement between James M. Smith, first party, and Kerr District, second party, for an easement and right-of-way for flood control works over the South Half of the Southwest Quarter (S½ SW 1/4) of Section Twenty-three (23), Township Sixty-four (64) North, Range One (1) West, B.M., as shown by the instrument recorded May 12, 1967, as Instrument No. 99316, records of Boundary County, Idaho.
3. Easement between James M. Smith, first party, and Kerr Tract, second party, for an easement and right-of-way for flood control works over Government Lots Five (5) and Six (6), Section Twenty-three (23), Township Sixty-four (64) North, Range One (1) West, B.M., as shown by the instrument recorded January 4, 1968, in Book 2 of Instruments at page 541, records of Boundary County, Idaho.
4. Easement between James M. Smith, first party, and Kerr Tract, second party, for an easement and right-of-way for flood control over Government Lots Two (2), Three (3), and Four (4), Section Twenty-three (23), Township Sixty-four (64) North, Range One (1) West, B.M., as shown by the instrument recorded May 2, 1968, in Book 3 of Instruments at page 372, records of Boundary County, Idaho.
5. Easement between James M. Smith and Beaniece H. Smith, husband and wife, first party, and Drainage District #9, Second party, for an easement and right-of-way for flood control works, Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4), Section Twenty-three (23), Township Sixty-four (64) North, Range One (1) West, B.M., as shown by the instrument recorded April 27, 1972, in Book 13 of Instruments at page 95, records of Boundary County, Idaho.

6. Easement and Grazing Permit between James M. Smith and Berneece Smith, husband and wife, grantors, and The Pack River Company, grantee, over existing roads in the Northwest Quarter (NW 1/4) of Section Twenty-three (23), Township Sixty-four (64) North, Range One (1) West, B.M., as shown by the instrument recorded November 9, 1973, in Book 17 of Instruments at page 335, records of Boundary County, Idaho.

7. Flowage Easement and Release of Claim for Damages between Flying S Ranch, Inc., an Idaho corporation, and United States of America, for parts of Government Lots Two (2) and Three (3), Section Twenty-three (23), Township Sixty-four (64) North, Range One (1) West, as shown by the instrument recorded September 25, 1985, in Book 56 of Instruments at page 364, records of Boundary County, Idaho.

8. Flowage Easement and Release of Claim for Damages between Flying S Ranch, Inc., an Idaho corporation, and the United States of America, for Government Lots Three (3) and Four (4), Section Twenty-four (24), Township Sixty-four (64) North, Range One (1) West, B.M., as shown by the instrument recorded February 20, 1986, in Book 58 of Instruments at page 142, records of Boundary County, Idaho.

9. Said premises are within the boundaries of Drainage District No. 16 of Boundary County and are subject to the levies and assessments thereof.

10. Said premises are within the boundaries of Drainage District No. 16 of Boundary County and are subject to rights of way for dikes and drainage ditches thereof.

11. Easement between James M. Smith, first party, and Drainage District No. 16, second party, an easement and right of way for flood control works for the Northwest Quarter (NW 1/4) and the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section Twenty-six (26), Township Sixty-four (64) North, Range One (1) West, B.M., as shown by the instrument recorded May 12, 1967, as Instrument No. 99315, records of Boundary County, Idaho.

12. Release between Drainage District No. 16, and the United States of America, as shown by the instrument recorded November 10, 1977, in Book 28 of Instruments at page 169, records of Boundary County, Idaho.

13. Any adverse claim based upon the assertion that the location of the Kootenai River has moved.

14. Any claim arising from the difference in the mean high water line of the Kootenai River and the meander line as shown by the Government Survey.

15. Reservations and exceptions in a Patent from the United States of America to N.P.R.R. Co., dated July 27, 1899, in Book 2 of Patents at page 302, records of Boundary County, Idaho, subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and the rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of court, and also subject to the rights of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted a right of way therein for ditches and canals constructed by authority of the United States of America.

16. Reservations and exceptions in a Patent from the United States of America to Mattias Ripatti, dated November 12, 1921, in Book 2 of Patents at page 86, records of Boundary County, Idaho, subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and the rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of court, and also subject to the rights of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted a right of way therein for ditches and canals constructed by authority of the United States of America.

17. Reservations and exceptions in a Patent from the United States of America to Charles F. Fischer, dated January 6, 1906, in Book 1 of Patents at page 402, records of Boundary County, Idaho, subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and the rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of court, and also subject to the rights of the proprietor of a vein or lode to extract and remove his ore therefrom, should

the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted a right of way therein for ditches and canals constructed by authority of the United States of America.

18. Rights of the public in and to any portion of the premises covered by the waters of the Kootenai River and Fisher Creek for purposes of including, but not limited to, fishing, boating, recreation, or any other use covered by the public trust doctrine.

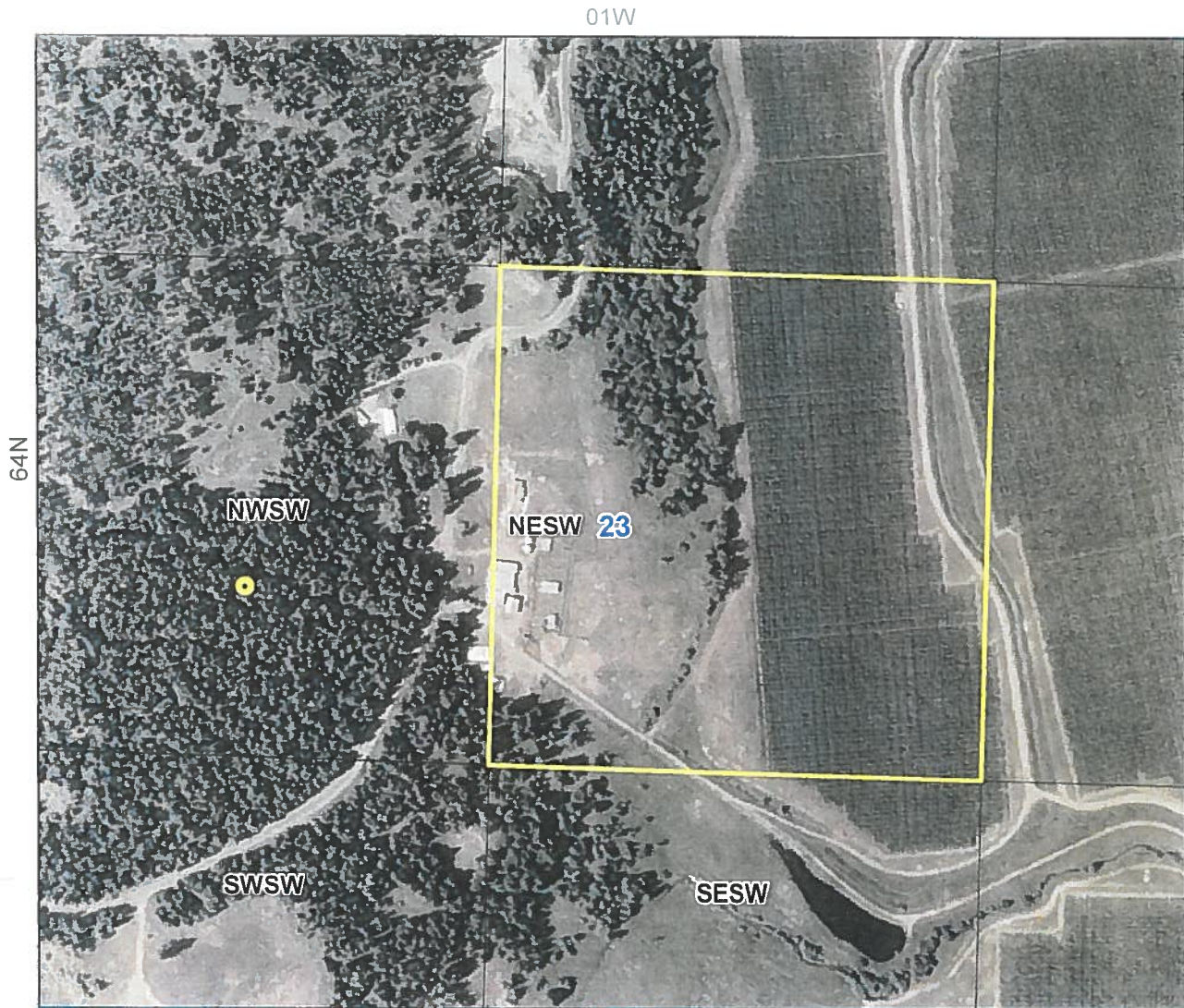
19. Reservations and exceptions in a Patent from the United States of America to Hiram K. Harbican, dated May 5, 1916, in Book 2 of Patents at page 335, records of Boundary County, Idaho, subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and the rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of court, and also subject to the rights of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted a right of way therein for ditches and canals constructed by authority of the United States of America.

20. Claims or title to water.

RECORDED
INDEXED
156866
Peter B. Wilson
9m Nov. 1988 at 4:17
P 68
Instruments 360
C. Thornton
21st chg
Wilson

State of Idaho
Department of Water Resources
Water Right License
98-7080

December 12, 2013



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

