

RECEIVED

MAR 22 2011

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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?
35-2164A	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Lloyd Stolworthy
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
Merlin Smith Sr. and/or Merlin Smith, Jr. and/or Jennifer Smith
New owner continued ☐ Name connector ☐ and ☐ or ☒ and/or
399 N 500 W
Mailing address
Blackfoot ID 83221
City State ZIP
208-317-3514
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: April 7, 1994
6. This form must be signed and submitted with the following **REQUIRED** items:
- A copy of the conveyance document – warranty deed, quitclaim deed, court decrec, 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.

7. Signature: *Merlin Smith Sr.* Title, if applicable _____ Date: 3-21-211

Signature of new owner/claimant

Signature: _____ Title, if applicable _____ Date _____

Signature of new owner/claimant

For IDWR Office Use Only:

Received by: *JP* Date: 3/23/2011 Receipt No. E036498 Receipt Amt. \$25.-

Approved by: _____ Processed by: _____ Date: _____

Water Rights

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/7/2011

WATER RIGHT NO. 35-2164A

Owner Type	Name and Address
Current Owner	LLOYD STOLWORTHY
Current Owner	LUCILLE STOLWORTHY
	182 HARTERT DR
	IDAHO FALLS, ID 83404
	(208)522-0623
Original Owner	COUNTY OF BINGHAM
	510 N MAPLE
	BLACKFOOT, ID 83221
	(208)785-5005
Original Owner	PAUL SMITH
	RT 1
	BLACKFOOT, ID 83221

Priority Date: 02/23/1950
Basis: Decreed
Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	10/31	1.32 CFS	268 AFA
Total Diversion			1.32 CFS	

Location of Point(s) of Diversion:

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Water Rights

GROUND WATER SWENE Sec. 07 Township 02S Range 34E BINGHAM County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02S	34E	7		NENE	31		NWNE	28		SWNE	2		SENE	6

Total Acres: 67

Conditions of Approval:

1.	C18	THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2.		RIGHT NO. 35-02164B IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Dates:

Licensed Date:

Decreed Date: 02/19/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

424521

WARRANTY DEED

For Value Received THE LLOYD STOLWORTHY FAMILY LIMITED PARTNERSHIP, "A", by LUCILLE STOLWORTHY, General Partner

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
MIRLIN SMITH, a single man
whose address is: 399 N 500 W, Blackfoot ID 83221

Hereinafter called the Grantee, the following described premises situated in Bingham County, Idaho, to-wit:

PARCEL I:

Part of the NE¼ of Section 7, Township 2 South, Range 34 E.B.M., Bingham County, Idaho, more particularly described as:
Beginning at a point on the W. line of a County Road that is S. 00°07'10" E. 1590.00 feet along the section line and S. 89°55'08" W. 25.00 feet from the NE corner of said Section 7; and running thence S. 89°55'08" W. 2626.77 feet; thence N. 00°06'23" W. 1565.01 feet to a point 25.0 feet S. of the NW corner of said Section 7; thence N. 89°55'08" E. 2626.41 feet along a line 25.0 feet S. of and parallel to the section line; thence S. 00°07'10" E. 1565.00 feet along the W. line of a County Road to the point of beginning.

AND EXCEPTING THEREFROM:

A 100 foot by 110 foot well lot which is described as beginning at a point that is S. 00°07'10" E. 710.0 feet along the section line and S. 89°55'08" W. 703.65 feet from the NE corner of Section 7, Township 2 South, Range 34 E.B.M.; and running thence N. 00°07'10" W. 80.0 feet; thence S. 89°55'08" W. 100.0 feet; thence S. 00°07'10" E. 110.0 feet; thence N. 89°55'08" E. 100.0 feet; thence N. 00°07'10" W. 30.0 feet to the point of beginning.

ALSO EXCEPTING THEREFROM:

A right-of-way for access to the well lot previously described, 30 feet in width, 15 feet each side of the following described center line:

Beginning at a point on the W. right-of-way of the existing county road which is S. 0°07'10" E. 725 feet and S. 89°55'08" W. 25 feet from the NE corner of Section 7, Township 2 South, Range 34 E.B.M.; and running thence S. 89°55'08" W. 678.65 feet to the E. boundary of the well lot.

ALSO EXCEPTING THEREFROM:

A right-of-way 30 feet in width for operation and maintenance of a buried irrigation mainline, 15 feet each side of the following described center line:

Beginning at a point on the S. line of said well lot which is S. 0°07'10" E. 740 feet and S. 89°55'08" W. 775 feet from the NE corner of Section 7, Township 2 South, Range 34 E.B.M.; and running thence S. 0°07'10" E. 865 feet to the end of said easement.

ALSO EXCEPTING THEREFROM:

Part of the NE¼ of Section 7, Township 2 South, Range 34 E.B.M., Bingham County, Idaho, described as:
Beginning at a point on the W. line of said NE¼ that is S. 00°06'23" E. along said W. line 775.01 feet from the NW corner of said Section 7, and running thence N. 89°55'08" E. parallel to the N. line of said Section 7, 476.58 feet; thence S. 00°07'10" E. 110.05 feet; thence Southeasterly on a curve to the left (curve data, Delta=82°57'42", Radius=70.00 feet; Tangent=69.95 feet) 109.91 feet; thence on a line not tangent to said curve S. 00°07'10" W. 635.05 feet; thence S. 89°55'08" W. 546.72 feet to the W. line of said NE¼; thence N. 00°06'23" W. along said W. line 815.00 feet to the Point of Beginning.

ALSO EXCEPTING AND RESERVING unto the United States all the oil and gas on said land and the right to prospect for, mine, and remove such deposits from the same.

CONTINUED

CONTINUED

PARCEL II:

Part of the NE¼ of Section 7, Township 2 South, Range 34 E.B.M., Bingham County, Idaho, described as:
Beginning at a point on the W. line of said NE¼ that is S. 00°06'23" E. along said W. line 775.01 feet from the NW corner of said Section 7, and running thence N. 89°55'08" E. parallel to the N. line of said Section 7, 475.58 feet; thence S. 00°07'10" E. 110.05 feet; thence Southeasterly on a curve to the left (curve data, Delta=89°57'42", Radius=70.06 feet; Tangent=69.95 feet) 109.91 feet; thence on a line not tangent to said curve S. 00°07'10" W. 675.00 feet; thence S. 89°45'08" W. 546.72 feet to the W. line of said NE¼; thence N. 00°06'23" W. along said W. line 915.00 feet to the point of Beginning.

ALSO EXCEPTING AND RESERVING unto the United States all the oil and gas on said land and the right to prospect for, mine, and remove such deposits from the same.

TOGETHER WITH all and singular the tenements, hereditaments, and appurtenances thereto in anywise appertaining, including all water, water rights, ditch and ditch rights.

TO HAVE AND TO HOLD the said premises, with their 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.

Dated: APRIL 7, 1994

THE LLOYD STOLWORTHY FAMILY LIMITED PARTNERSHIP, "A"

BY: _____
LUCILLE STOLWORTHY, GENERAL PARTNER

STATE OF IDAHO

COUNTY OF BINGHAM

On this 7th day of APRIL, 1994, before me the undersigned, a Notary Public in and for the said State of Idaho, personally appeared LUCILLE STOLWORTHY, known to me to be the GENERAL PARTNER in THE LLOYD STOLWORTHY FAMILY LIMITED PARTNERSHIP, "A" and the general partner who subscribed said partnership name to the foregoing instrument, and acknowledged to me that she acted in the name of said partnership name.

4231-01

Laura M. Moore
Notary Public for Idaho
Residing at: BLACKFOOT, ID
My Commission Expires: 01/01/96



