

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
AUG 24 2010
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?
13-302	Yes ☒		Yes ☐		Yes ☐
Split into	Yes ☐		Yes ☐		Yes ☐
13-7757	Yes ☐		Yes ☐		Yes ☐
13-77584	Yes ☐		Yes ☐		Yes ☐
13-7759	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Vern Nelson and Verda O Nelson
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Terry W. Smith
Name of each new owner as listed on the conveyance document **SUPPORT DATA**
IN FILE # 13-302
or Cheryl L. Smith
New owner continued ☐ Name connector ☒ and ☒ or ☐ and/or
- Mailing address
3987 E Glendale Rd Idaho 83263
City State ZIP
208 852 1737 TerryWray@aol.com
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: 1 November 1987

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.

7. Signature: Terry W. Smith 23 August 2010
Signature of new owner/claimant Title, if applicable Date
- Signature: Cheryl L. Smith 23 August 2010
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by JB Date 8/24/2010 Receipt No. E036069 Receipt Amt. \$100.-
Approved by _____ Processed by _____ Date _____

176708

1-2

Recorded at the request of

*J.W. Williams*TRUSTEE'S DEED

NOV 3 1987 2:10 p.m.

CORRIE L. KELLER, RECORDER
By *Corrie L. Keller*
FRANKLIN COUNTY, IDAHO

THIS DEED made this 1st day of November, 1987, between RALPH S. MORTENSEN, Trustee of the S. VERN NELSON FAMILY TRUST, the Party of the First Part, and TERRY W. SMITH and CHERYL L. SMITH, husband and wife, the Parties of the Second Part.

WHEREAS, RALPH S. MORTENSEN, Party of the First Part, is the duly appointed and acting Trustee of the S. VERN NELSON FAMILY TRUST dated April 2, 1975; and

NOW, THEREFORE, WITNESSETH, that the said Party of the First part, for valuable consideration, and for the purpose of distributing certain real property from the Trust of S. VERN NELSON FAMILY TRUST, does by these presents hereby distribute, bargain, sell, convey, and confirm unto the said Parties of the Second Part, and to their heirs and assigns forever, the above described interest in that certain parcel of land, situate, lying and being in Franklin County, State of Idaho, and more particularly described as follows:

See Exhibit "A" attached hereto

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders rents, issues and profits thereof;

TO HAVE AND TO HOLD, all and singular the said premises together with the appurtenances unto the Parties of the Second Part, and to their heirs and assigns forever.

IN WITNESS WHEREOF, the said Party of the First Part has hereunto set his hand and seal the day and year first above written.

Ralph S. Mortensen
RALPH S. MORTENSEN, Trustee of the
S. Vern Nelson Family Trust

STATE OF IDAHO }

County of Franklin }

On this 1st day of November, 1987, before me, the undersigned, a Notary Public in and for said State, personally appeared RALPH S. MORTENSEN, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of the S. Vern Nelson Family Trust and acknowledged to me that he executed the same as such Trustee of the S. Vern Nelson Family Trust.

J.W. Williams
NOTARY PUBLIC for State of Idaho
Residing at: *Quinton, Idaho*
Comm. Expires: *8/8/88*

176708

2-2

1 rod = 16.5 feet.

EXHIBIT "A"

Township 15 South, Range 40 East of the Boise Meridian, Franklin County, Idaho

Section 9 Commencing at a point 35 rods North from the Southwest
and 10: corner of the Northwest Quarter of Section 9, and running
thence North 45 rods; thence East 320 rods; thence South 43 rods to the County Road; thence in a Southeasterly direction along said County Road to a point 30 rods South of the Northeast corner of the Northwest Quarter of the Southwest Quarter of Section 10, above Township and Range; thence South 50 rods; thence West 187 rods; thence North 126 rods; thence in a Southwesterly direction along County Road to a point 83 rods East and 12 rods North from the Southwest corner of the Northwest Quarter of Section 9, in above Township and Range; thence North 23 rods; thence West 83 rods to the place of beginning.

EXCEPTING from the above described tract of land 72.83 acres heretofore sold to the Preston Whitney Irrigation Company for reservoir purposes, as per that certain Deed recorded in Franklin County, Idaho, in Book 27 of Deeds, page 35.

Together with all water and water rights used upon or appurtenant to said property, however evidenced, and particularly \$90.00 worth of stock in the former Old Cub River, Worm Creek Canal Company under contract with the Preston Whitney Irrigation Company who will continue to supply water at the fixed annual assessment of \$7.20 per year and 10 shares of stock in the Preston Whitney Irrigation Company.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 13-302

WATER RIGHT NUMBER: 13-302

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	VERN NELSON 295 N 1ST E PRESTON, ID 83263
Current Owner	VERDA O NELSON 295 N 1ST E PRESTON, ID 83263

Priority Date: 04/01/1896

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
WORM CREEK	CUB RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.420 CFS	74.00 AF
<u>Total Diversion:</u>		0.420 CFS	74.00 AF

Location of Point(s) of Diversion
WORM CREEK
FRANKLIN County

NW1/4SE1/4

Sec. 10, Twp 15S, Rge 40E, B.M.

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	40E	8													6.0				6.0
15S	40E	9			1.0	11.0				3.0									15.0

Total Acres: 21

Conditions of Approval:Remarks:Comments:Dates and Other Information:

WATER RIGHT
FOR TERRY
SMITH



Legend

- ESPA
- Counties
- GCDB Township/Range
- GCDB Section
- GCDB Quarter-Quarter



S R40E
4 SWSE

T15S R40E
Sec 9 NWNE

T15S R40E
Sec 9 NENE

T15S R40E
Sec 10 NWNW

T15S R40E
Sec 10 NENW

T15S R40E
Sec 9 SWNE

T15S R40E
Sec 9 SENE

T15S R40E
Sec 10 SWNW

T15S R40E
Sec 10 SENW

T15S R40E
Sec 9 NWSE

T15S R40E
Sec 9 NESE

T15S R40E
Sec 10 NWSW

T15S R40E
Sec 10 NESW

Legend

ESPA

Counties

GCDB Township/Range

GCDB Section

GCDB Quarter-Quarter

