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Form 42-248/42-1409(6) July, 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

JUL 2000
 DEPT. OF WATER RESOURCES
 SOUTHEAST REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
45-14108					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Chatburn Brothers Inc.
4. New Owner/Claimant(s) Dean Smart and Mary Ellen Smart
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 1059 Trotter Dr.
- City, State and ZIP Code Twin Falls Idaho 83301
- New Telephone Number (208) 736-2496
5. Date you acquired the property July 10, 2009

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Scott Smart
Mary Ellen Smart

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only			
Received by <u>Cole</u>	Date <u>7/20/09</u>	Fee <u>2500</u>	
Receipted by <u>AK</u>	Date <u>7/20/09</u>	Receipt No. <u>5031008</u>	
Processed by <u>AJ</u>	Date _____	WR _____	Date _____

1 **WARRANTY DEED**

2 **THIS INDENTURE**, made this 13th day of July, 2009,

3 between **CHATBURN BROTHERS, INC.**, an Idaho Corporation, of Box 26, Albion, ID
4 83311 ("**GRANTOR**"), and **DEAN SMART** and **MARY ELLEN SMART**, husband and
5 wife, whose address is 1250 E. 750 S., Albion, ID 83311 ("**GRANTEE**").

6 **WITNESSETH:**

7
8 The Grantor for and in consideration of the sum of Ten Dollars (\$10.00), lawful money
9 of the United States of America, and other good and valuable consideration, to the Grantor in
10 hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained,
11 and sold and by these presents does grant, bargain and sell, convey and confirm unto the
12 Grantee, and to the heirs and assigns of Grantee forever, all of the following described real
13 estate situated in the County of Cassia, State of Idaho, described on Exhibit A attached hereto
14 and incorporated herein by reference, and together with a Perpetual Easement on, over and
15 across the real estate described on Exhibit B attached hereto and made a part hereof by
16 reference, for the purpose of conveying irrigation water from Howell Creek to the above-
17 described property. This is a Perpetual Exclusive Easement for the owners of the above-
18 described property to receive the water pursuant to Water Right No. 45-14108 from Howell
19 Creek. This Easement is subject to the obligation of the Grantee, or the successors and assigns
20 of the Grantee, to maintain the Easement and irrigation structure for the delivery of any water,
21 and together with all Water Rights including but not limited to Water Right No. 45-14108.
22

23 **SUBJECT TO:**

24 (a) Taxes for 2009 and subsequent years, a lien, but not yet due or payable.
25
26

WARRANTY DEED - 1

CASSIA COUNTY
RECORDED FOR:
LAND TITLE AND ESCROW
4:40:48 pm 07-16-2009
2009-003625
NO. PAGES: 5 FEE: \$15.00
LARRY A. MICKELSEN
COUNTY CLERK
DEPUTY: VIKI

1 (b) Oil and Gas Lease by and between J. Vard Chatburn and Eva Chatburn,
2 husband and wife, and Faith Financial Services, dated May 6, 1981 and
3 recorded June 5, 1981, as Instrument 135538 on Film No. 142, records of
Cassia County, Idaho. (Covers additional property not included herein.)

4 (c) Oil and Gas Lease by and between J. Vard Chatburn and Bennie Gerald
5 Chatburn, etal, and Faith Financial Services, dated May 6, 1981 and recorded
6 June 5, 1981 as Instrument 135539 on Film No. 142, records of Cassia County,
Idaho. (Covers additional property not included herein.)

7 (d) Reservation contained in Warranty Deed, executed by Joseph William
8 Chatburn to J. Vard Chatburn, dated October 5, 1981 and recorded December
9 15, 1981 as Instrument No. 140083 on File No. 146, records of Cassia County,
10 Idaho, which reads as follows: "The Grantor retains and reserves under surface
11 rights to all oil, gas, coal, other hydrocarbons, minerals and geothermal energy
in direct proportion to the percentage set forth in the Correct Deed of
Distribution dated November 10, 1980." (As to an undivided 4% of an
undivided one-half interest) (Covers additional property not included herein.)

12 **TOGETHER** with all and singular the tenements, hereditaments and appurtenances
13 thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and
14 remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to said
15 property as well in law as in equity of the Grantor.

16 **TO HAVE AND TO HOLD**, all and singular the above-mentioned and described
17 premises, together with appurtenances unto the Grantee and to the heirs and assigns of Grantee
18 forever.

19 The Grantor shall and will warrant and by these presents will forever defend the said
20 premises in the quiet and peaceable possession of the Grantee, and the heirs and assigns of
21 Grantee against all and every person and persons whomsoever lawfully claiming the same,
22 except as aforesaid.

23 **IN WITNESS WHEREOF**, the Grantor has executed this Deed the day and year first
24 above written.
25
26

**TOWNSHIP 11 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 33: Part of the W½NW¼, more particularly described as follows:

**Beginning at the W¼ section corner of Section 33, said corner marked by a 5/8 inch rebar; Thence North 00°34'00" West along the west line of Section 33 for a distance of 300.00 feet to a 5/8 inch rebar which shall be the Point of Beginning;
Thence North 00°34'00" West along the west line of Section 33 for a distance of 2357.27 feet to a 5/8 inch rebar at the Northwest corner of Section 33;
Thence North 89°37'30" East along the north line of Section 33 for a distance of 846.09 feet to a 5/8 inch rebar;
Thence South 12°23'46" East for a distance of 318.21 feet to a 5/8 inch rebar;
Thence South 00°10'07" East for a distance of 408.88 feet to a 5/8 inch rebar;
Thence South 02°52'13" East for a distance of 304.75 feet to a 5/8 inch rebar;
Thence South 23°43'58" West for a distance of 289.65 feet to a 5/8 inch rebar;
Thence South 38°36'16" West for a distance of 285.99 feet to a 5/8 inch rebar;
Thence South 19°56'13" East for a distance of 290.84 feet to a 5/8 inch rebar;
Thence South 13°38'07" East for a distance of 592.02 feet to a 5/8 inch rebar;
Thence South 89°54'56" West for a distance of 826.10 feet to a ½ inch rebar;
Thence South 89°54'57" West for a distance of 25.16 feet to the Point of Beginning.**

EXHIBIT A

to Warranty Deed – Chatburn Brothers - Smart

Part of the NW¼ of Section 33 of Township 11 South, Range 25 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the West ¼ section corner of Section 33 of T.11 S., R.25 E., B.M. said corner marked by a 5/8" rebar; Thence North 00 degrees 34 minutes 00 seconds West along the west line of section 33 for a distance of 300.00 feet; Thence North 89 degrees 54 minutes 56 seconds East for a distance of 25.16 feet to a ½" rebar; Thence North 89 degrees 54 minutes 56 seconds East for a distance of 826.10 feet to a 5/8" rebar; Thence North 13 degrees 38 minutes 07 seconds West for a distance of 546.14 feet to the Point of Beginning;

THENCE North 13 degrees 38 minutes 07 seconds West for a distance of 30.82 feet;

THENCE North 89 degrees 37 minutes 30 seconds East for a distance of 86.00 feet;

THENCE South 27 degrees 02 minutes 47 seconds East for a distance of 33.57 feet;

THENCE South 89 degrees 37 minutes 30 seconds West for a distance of 94.00 feet to the Point of Beginning.

EXHIBIT B

to Warranty Deed – Chatburn Brothers - Smart