

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

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
PD	36-113B					
PD	36-7565					

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) KEN L. & JILL STUTZMAN
4123 HIDDEN LAKE DRIVE, KIMBERLY IDAHO 83341
4. New Owner/Claimant(s) STEPHEN AND LINDA SMITH FAMILY TRUST DATED SEPT 12, 2007
Name Connector (Check one): [] and, [] or, [] and/or
 New Mailing Address 931 Justice Grade
 City, State and ZIP Code Hagerman, Idaho 83382
 New Telephone Number 208-837-4238
5. Date you acquired the property 30 July 2008

RECEIVED
 AUG 05 2008
 DEPT. OF WATER RESOURCES
 SOUTHERN REGION

SUPPORT DATA

IN FILE # 36-113B

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)
- Stephen L. Smith*
Linda Smith

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 _____	Date <u>8/5/08</u>	Fee <u>\$50</u>	
Receipted by <u>[Signature]</u>	Date <u>8/6/08</u>	Receipt No. <u>5030349</u>	
Processed by _____	AJ Date _____	WR _____	Date _____

Case No. 58516SM

TitleFact, Inc.
163 Fourth Avenue North
P.O. Box 486
Twin Falls, Idaho 83303

**** SPACE ABOVE FOR RECORDER ****

GT-37662
WARRANTY DEED

RECEIVED
AUG 05 2008
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Instrument # 227320

GOODING, GOODING, IDAHO
7-30-2008 04:20:28 No. of Pages: 1
Recorded for : LAND TITLE AND ESCROW, INC.
DENISE M. GILL Fee: 3.00
Ex-Officio Recorder Deputy

FOR VALUE RECEIVED **KEN L. STUTZMAN and JILL STUTZMAN, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **STEPHEN LEROY SMITH and LINDA MARIE SMITH, Trustees, or their successors in trust, under the of THE STEPHEN AND LINDA SMITH FAMILY LIVING TRUST DATED SEPTEMBER 12, 2007**, hereinafter called Grantee, whose address is: 931 Justice Circle, Hagerman, Idaho 83332, the following described premises in Gooding County, Idaho; to-wit:

A tract of land in Parcel "A" of the Robert L. Justice Ranch, situate in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Township 7 South, Range 13 East, Boise Meridian, Gooding County, Idaho more particularly described as follows:

BEGINNING at the Northeast corner of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11;
THENCE South 89°29' West along the North boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ for a distance of 333.8 feet to the TRUE POINT OF BEGINNING;
THENCE South 0°31' East for a distance of 381.64 feet to the center line of Billingsley Creek;
THENCE North 80°40' West along the center line of Billingsley Creek for a distance of 112.75 feet;
THENCE North 0°31' West for a distance of 362.4 feet to the North boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$;
THENCE North 89°29' East along the North boundary for a distance of 111.0 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH all water rights appurtant to the property and water right number 36-113B.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and 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 they are free from all encumbrances except as described above; and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: July 29, 2008

KEN L. STUTZMAN
KEN L. STUTZMAN

JILL STUTZMAN
JILL STUTZMAN

* * * * *

STATE OF IDAHO
County of Twin Falls

On this 29th day of July, 2008, before me, a Notary Public in and for said State, personally appeared **KEN L. STUTZMAN and JILL STUTZMAN, husband and wife**, known or identified to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS HEREOF I have hereunto set my hand and official seal the day and year first above written.

Denise M. Gill
Notary Public for Idaho
Residing at Twin Falls
Commission expires 11-28-2008

