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

✓ DE

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, 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
67-10334		NO			
67-10330		NO			
67-10331					

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) are 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): DON DANIELS
1855 CHERRY GULCH ROAD, WEISER, ID 83672

4. New Owner/Claimant(s): SMOKE RANCH, L.P., a Limited Partnership
Name Connector (Check one): [ ] and, [ ] or, [ ] and/or

New Mailing Address: 3990 HWY 52

City, State and ZIP Code: PAYETTE, ID 83661

New Telephone Number: (208)278-3448

5. Date you acquired the property: 4/09/2007

RECEIVED
MAY 17 2007
WATER RESOURCES
WESTERN REGION

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) SMOKE RANCH, L.P.

BY: George E. Colwell Cheryl F. Colwell
GEORGE E. COLWELL, GP & CHERYL F. COLWELL, GP

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 5-17-07 Fee $25/each
Receipted by SR Date 6-4-07 Receipt No. W035461
Processed by _____ AJ Date _____ WR SR Date 6-11-07

2000 DEC 08 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
_____	)	Water Right 67-10334

NAME AND ADDRESS: DON DANIELS
1855 CHERRY GULCH RD
WEISER, ID 83672

SOURCE: GROUNDWATER

QUANTITY: 0.07 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 12/31/1961

POINT OF DIVERSION: T10N R04W S32 SWNWNE SWNW Within Washington County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Stockwater	01-01 TO 12-31	0.03 CFS
Domestic 1 HOME	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Stockwater Within Washington County
T10N R04W S32 SWNW

Domestic Within Washington County
T10N R04W S32 SWNW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

B. Wood

Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

2000 DEC 08 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
_____	)	Water Right 67-10330

NAME AND ADDRESS: DON DANIELS
1855 CHERRY GULCH RD
WEISER, ID 83672

SOURCE: GROUNDWATER

QUANTITY: 0.03 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 12/31/1961

POINT OF DIVERSION: T10N R04W S32 SWNWNE Within Washington County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Stockwater	01-01 TO 12-31	0.03 CFS

PLACE OF USE: Stockwater Within Washington County
T10N R04W S32 SWNE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

B. Wood

Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

2000 DEC 08 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
	)	Water Right 67-10331

NAME AND ADDRESS: DON DANIELS
1855 CHERRY GULCH RD
WEISER, ID 83672

SOURCE: GROUNDWATER

QUANTITY: 0.03 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 12/31/1927

POINT OF DIVERSION: T10N R04W S32 SWSW Within Washington County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Stockwater	01-01 TO 12-31	0.03 CFS

PLACE OF USE: Stockwater Within Washington County
T10N R04W S32 SWSW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

B. Wood

Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

343682

AmeriTitle
Part Of The JELD-WEN Family

IDWD
Order No. 0022446

Instrument # 343682
PAYETTE COUNTY
2007-04-09 01:58:00 No. of Pages: 1
Recorded for : AMERITITLE
BETTY J DRESSEN
Ex-Officio Recorder Deputy
Fee: 3.0
Index to: WARRANTY DEED

WARRANTY DEED

For Value Received,

The Donald L. & Rae M. Daniels Family Trust, u/t/a dated January 30, 1990

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

Smoke Ranch, L.P., a Limited Partnership

GRANTEE(s), whose address is: **3990 Hwy 52, Payette, ID 83661**

the following described real property in **PAYETTE COUNTY, IDAHO**, to-wit:

> **In Section 5, Township 9 North, Range 4 West, Boise Meridian, Payette County, Idaho: SW1/4NE1/4; S1/2NW1/4; Government Lots 2, 3 and 4.**

TO HAVE AND TO HOLD the premises with its appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the current year's taxes and assessments, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 7th day of April, 2007.

The Donald L. & Rae M. Daniels Family Trust, u/t/a dated January 30, 1990

BY: Donald L Daniels TTEE
Donald L. Daniels, Trustee

BY: Rae M. Daniels TTEE
Rae M. Daniels, Trustee

State of Idaho)
ss
County of Washington)

On this 7th day of April, 2007, before me, a notary public in and for said State, personally appeared Donald L. Daniels and Rae M. Daniels being by me first duly sworn, declared that they are Trustees of the The Donald L. & Rae M. Daniels Family Trust u/t/a dated January 30, 1990 that they signed the foregoing document as the Trustees and that statements therein contained are true.

Notary Public
Residing at: Weiser, ID
Commission Expires 11/4/09

CHRISTY L. WAITE
NOTARY
PUBLIC
STATE OF IDAHO

Instrument # 205020
STATE OF IDAHO, COUNTY OF WASHINGTON
2007-04-09 01:52:00 No. of Pages: 3
Recorded for: AMERITITLE
SHARON WIDNER Fee:9.00
Ex-Officio Recorder Deputy LMcKnight
Index To: DEED
Electronically Recorded by Simplifile

AmeriTitle
Part Of The JELD-WEN Family

IDWD/Order No. 0012477

WARRANTY DEED

For Value Received,

The Donald L. & Rae M. Daniels Family Trust, u/t/a dated January 30, 1990

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

Smoke Ranch, L.P., a Limited Partnership

GRANTEE(s), whose address is: **3990 Hwy 52, Payette, ID 83661**

the following described real property in **WASHINGTON COUNTY, IDAHO**, to-wit:

See attached Exhibit A.

GRANTOR AND GRANTEE HEREIN AGREE THAT THIS PARCEL HAS 2 BUILDING PERMITS REMAINING AND CAN ONLY BE SPLIT OR DIVIDED THROUGH A LEGAL VARIANCE OR SUBDIVISION AS APPROVED BY THE WASHINGTON COUNTY PLANNING AND ZONING.

TO HAVE AND TO HOLD the premises with its appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the current year's taxes and assessments, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 7th day of April, 2007.

The Donald L. & Rae M. Daniels Family Trust, u/t/a dated January 30, 1990

BY: Donald L. Daniels TTEE
Donald L. Daniels, Trustee

BY: Rae M. Daniels TTEE
Rae M. Daniels, Trustee

State of Idaho)
ss
County of Washington)

On this 7th day of April, 2007, before me, a notary public in and for said State, personally appeared Donald L. Daniels and Rae M. Daniels being by me first duly sworn, declared that they are Trustees of the The Donald L. & Rae M. Daniels Family Trust u/t/a dated January 30, 1990 that they signed the foregoing document as the Trustees and that statements therein contained are true.

Notary Public
Residing at: Weiser, ID
Commission Expires: 11/4/09

CHRISTY L. WAITE
NOTARY
PUBLIC
STATE OF IDAHO

File No. 0012477

EXHIBIT A

PARCEL 1:
The South 980 feet of SW¼NW¼, W½SW¼, SE¼SW¼ Section 27, Township 10 North, Range 4 West, Washington County, Idaho.

PARCEL 2:
The South 980 feet of S½NE¼, the South 980 feet of SE¼NW¼, the South 980 feet of E½SW¼NW¼, NE¼SW¼, W½SE¼, NE¼SE¼ in Section 28, Township 10 North, Range 4 West, Washington County, Idaho.

PARCEL 3:
SE¼SE¼ in Section 28, Township 10 North, Range 4 West, Washington County, Idaho.

PARCEL 4:
W½SW¼, SE¼SW¼ in Section 28, Township 10 North, Range 4 West, Washington County, Idaho.

PARCEL 5:
SE¼SW¼, SW¼SE¼ Section 29, Township 10 North, Range 4 West, Washington County, Idaho.

PARCEL 6:
E½SE¼ in Section 29, Township 10 North, Range 4 West, Washington County, Idaho.

PARCEL 7:
SW¼NW¼, N½SW¼, Lots 3 and 4 in Section 32, Township 10 North, Range 4 West, Washington County, Idaho. SAVE AND EXCEPT the West 110 feet of the North 100 feet of said SW¼NW¼.

PARCEL 8:
W½NE¼, E½NW¼, NW¼NW¼ in Section 32, Township 10 North, Range 4 West, Washington County, Idaho. SAVE AND EXCEPT the West 110 feet of the SW¼NW¼NW¼.

PARCEL 9:
NE¼SE¼, Lot 1 in Section 32, Township 10 North, Range 4 West, Washington County, Idaho.

PARCEL 10:
NE¼NE¼ in Section 32, Township 10 North, Range 4 West, Washington County, Idaho.

PARCEL 11:
NW¼SE¼, Lot 2 in Section 32, Township 10 North, Range 4 West, Washington County, Idaho.

PARCEL 12:
SE¼NE¼ in Section 32, Township 10 North, Range 4 West, Washington County, Idaho.

PARCEL 13:
N½NE¼, SW¼NE¼ in Section 33, Township 10 North, Range 4 West, Washington County, Idaho.

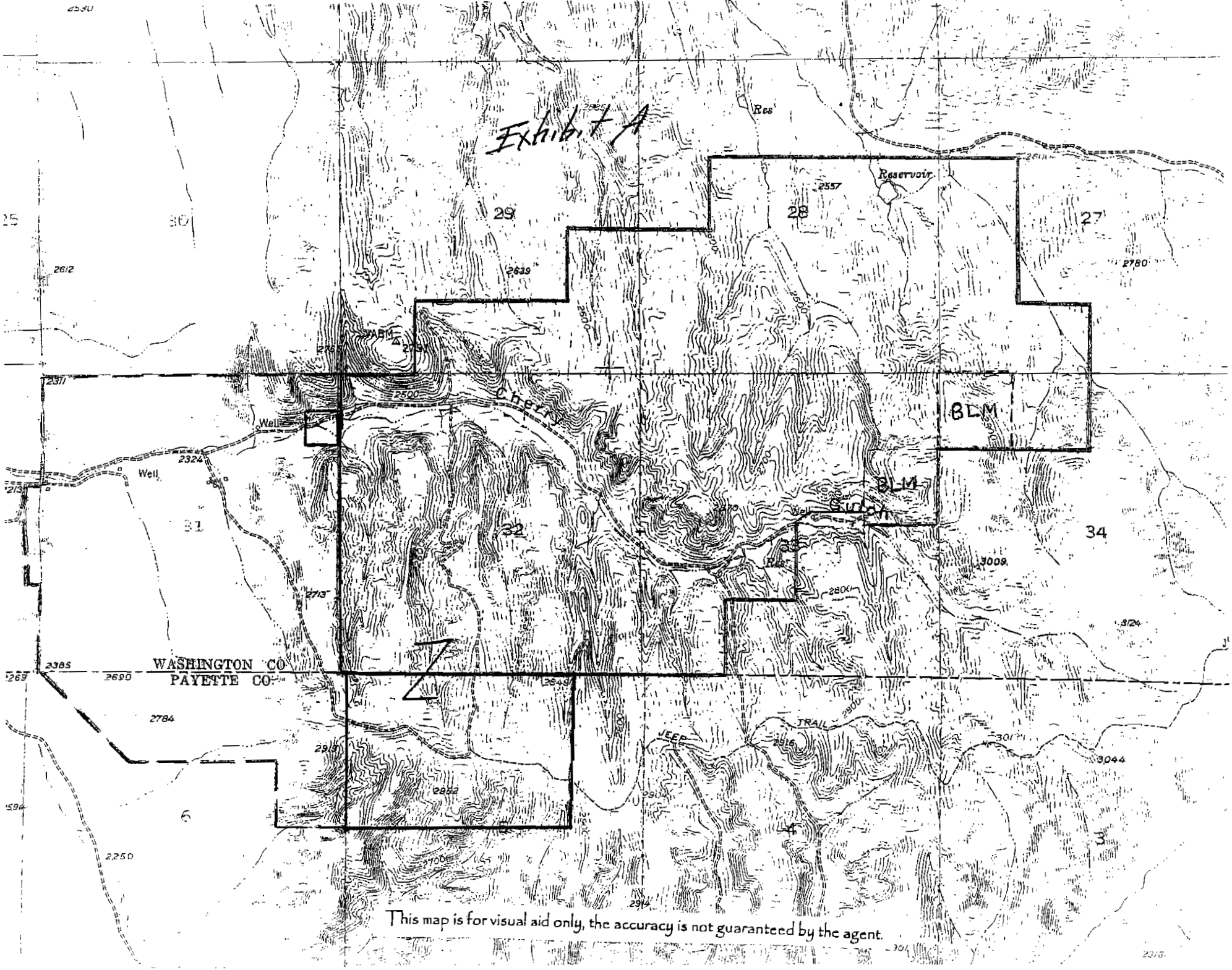
File No. 0012477

PARCEL 14:
E½NW¼, SW¼NW¼ in Section 33, Township 10 North, Range 4 West, Washington County, Idaho.

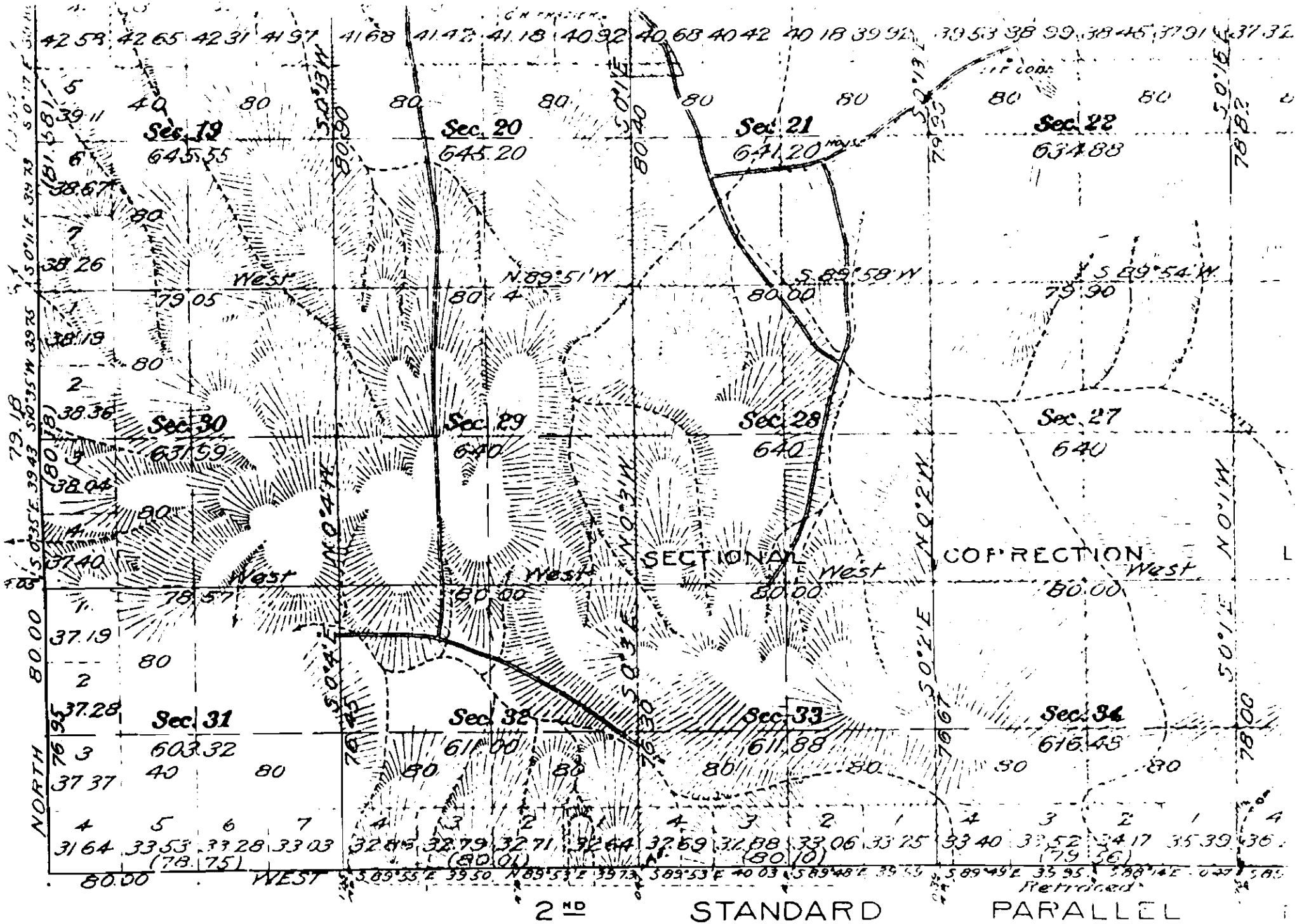
PARCEL 15:
N½SW¼, Lot 4 in Section 33, Township 10 North, Range 4 West, Washington County, Idaho.

PARCEL 16:
NW¼NW¼ in Section 33, Township 10 North, Range 4 West, Washington County, Idaho.

PARCEL 17:
E½NE¼NW¼ and W½NE¼NW¼ in Section 34, Township 10 North, Range 4 West, Washington County, Idaho.



This map is for visual aid only, the accuracy is not guaranteed by the agent.



	Contract	Amount of Surveys	When Surveyed.