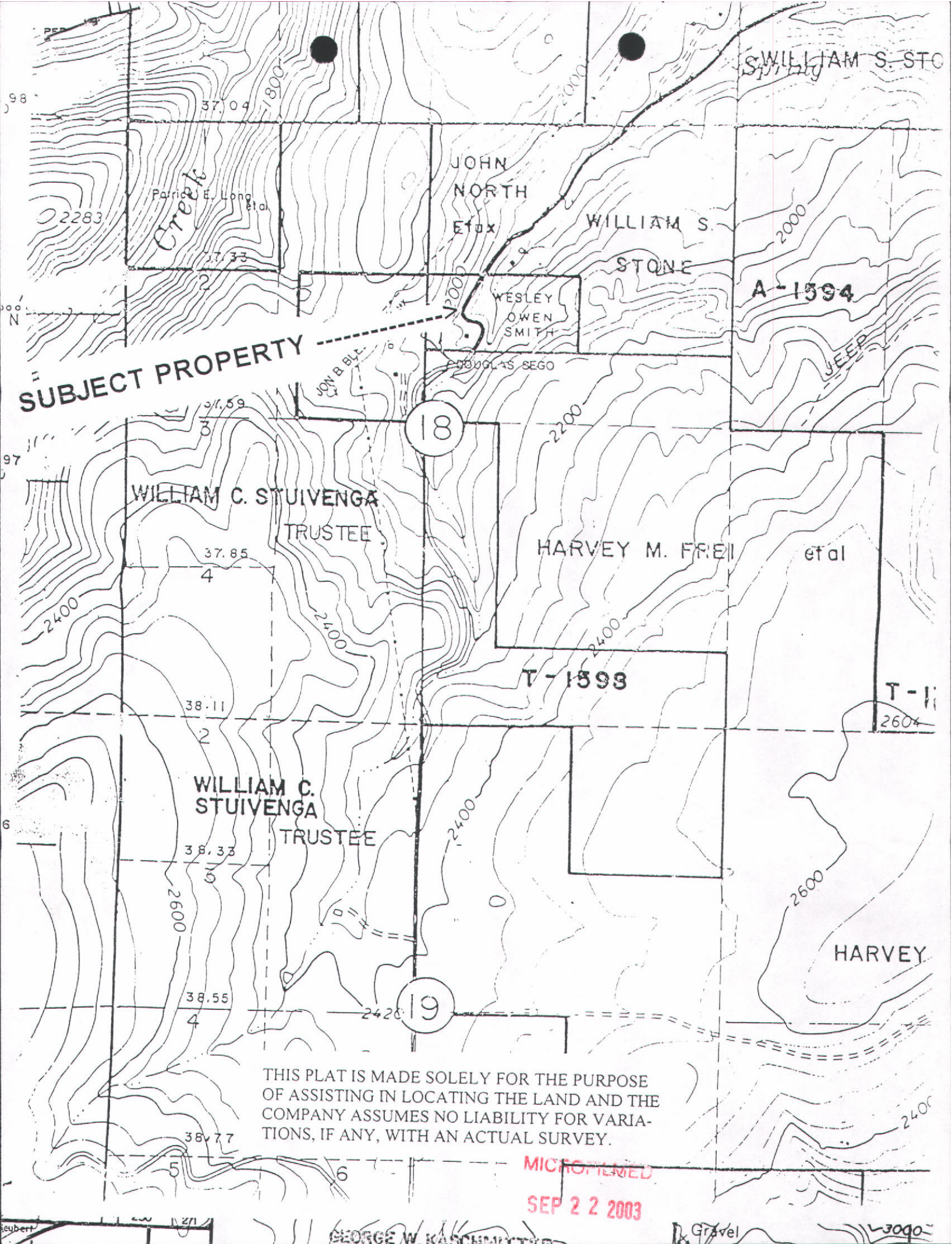




SUBJECT PROPERTY

18

19

WILLIAM C. STUIVINGA
TRUSTEE

HARVEY M. FREI

et al

T-1593

WILLIAM C. STUIVINGA
TRUSTEE

HARVEY

THIS PLAT IS MADE SOLELY FOR THE PURPOSE
OF ASSISTING IN LOCATING THE LAND AND THE
COMPANY ASSUMES NO LIABILITY FOR VARIA-
TIONS, IF ANY, WITH AN ACTUAL SURVEY.

MICROFILMED
SEP 22 2003

GEORGE W. KASCHMIR

Gravel

3090

DEC - 3 2001

Department of Water Resources

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

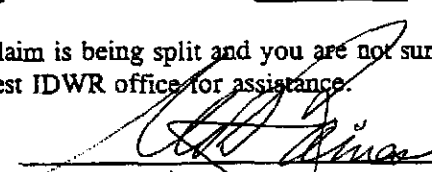
1. Water Right No(s).: 85-10205
Adjudication Claim No(s).: _____
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Wesley Owen Smith
4121 Dale Road #192 Modesto CA
95356
4. New Owner/Claimant(s) William D. Baines and Elizabeth A. Baines
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address P.O. Box 9937
City, State and ZIP Code Reno NV 89507
New Telephone Number (775) 829-4519
5. Date you acquired the property Oct 26, 2001
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s)


Elizabeth A. Baines

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

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

Receipt # C 067655 --- 3.3.03 --- \$25.00 --- J. M. M.

MICROFILMED

SEP 22 2002

419417

COPY

WARRANTY DEED

THIS INDENTURE, made on this 26th day of October, 2001, by and between WESLEY OWEN SMITH, also known as WESLEY SMITH, a single man dealing with his sole and separate property, of 4121 Dale Road, Apt. #192, Modesto, CA 95356, hereinafter referred to as Grantor, to WILLIAM D. BAINES and ELIZABETH A. BAINES, husband and wife, of P.O. Box 9937, Reno, NV 89507, hereinafter referred to as Grantees.

WITNESSETH:

That the said Grantor, for and in consideration of the sum of Ten Dollars (\$10), lawful money of the United States of America, and other good and valuable considerations, to him in hand paid by the said Grantees, the receipt whereof is hereby acknowledged, having granted, bargained, sold, and by these presents do grant, bargain, sell, convey, and confirm unto the said Grantees, their heirs and assigns, all the following described real property situate in the County of Idaho, State of Idaho, to wit:

Township 31 North, Range 4 East, Boise Meridian, Idaho County, Idaho, Section 18: All that part of the N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ which lies East of the County Road.

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

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances unto the said Grantees, their heirs and assigns forever.

And the said Grantor, for himself, his heirs, executors, and administrators, does covenant, grant, bargain, and agree to and with the said Grantees, their heirs and assigns that at the time of the ensealing and delivery of these presents it was well seized of the premises above conveyed as of good, sure, perfect, absolute, and indefeasible estate of inheritance, in fee simple, and have good right, full power, and lawful authority to grant, bargain, sell, and convey the same in the manner and form aforesaid, and that the same are free and clear from all and former grants, bargains, liens, taxes, assessments, and encumbrances of whatever kind or nature whatsoever, EXCEPT:

- a) General taxes for the year 2001, which are a lien, not yet due and payable.
- b) All land is subject to the provision of Section 58-604, Idaho Code Annotated, which grants over all lands belonging to the State a right of way for ditches, tunnels and telephone and transmission lines, constructed by authority of the United States; and to the provisions of Section 47-701, Idaho Code Annotated, reserving the State all mineral rights in lands

WDS
hab

sold subsequent to the 8th day of May, 1923, as shown by Deed, by and between STATE OF IDAHO to W. S. BAKER and MILDRED BAKER, husband and wife, recorded May 8, 1953, under Instrument No. 176502, in Book 86 page 257, records of Idaho County, Idaho.

c) Subject to the terms and conditions set forth in Easement and Right of Way, by and between THE ESTATE OF FLORENCE SMITH, acting by MARION SMITH, its Personal Representative, first party, and WESLEY SMITH, second party, recorded June 18, 1996, under Instrument No. 387337, records of Idaho County, Idaho.

And that the above bargained premises, in the quiet and peaceable possession of the said Grantees, their heirs and assigns, against all and every person or persons lawfully claiming or to claim whole or any part thereof, the said Grantor will and shall WARRANT AND FOREVER DEFEND.

That this deed is given by Grantor to Grantees not on account of any default in any security agreements or arrangements which pertain to the real property hereinabove written and described, but is given for full consideration paid by Grantees to Grantor.

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal the day and year first above written.

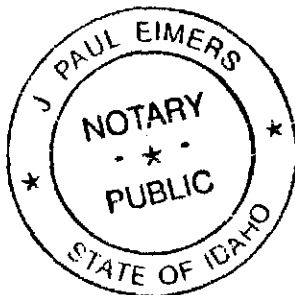

WESLEY OWEN SMITH

Idaho
STATE OF CALIFORNIA-)
County of *Idaho*)^{SS}

On this 26th day of October, 2001, before me a Notary Public in and for said County and State, personally appeared WESLEY OWEN SMITH, known to me to be the person whose name is subscribed to the within instrument and he acknowledge to me that he executed the same.

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

(NOTARY SEAL)



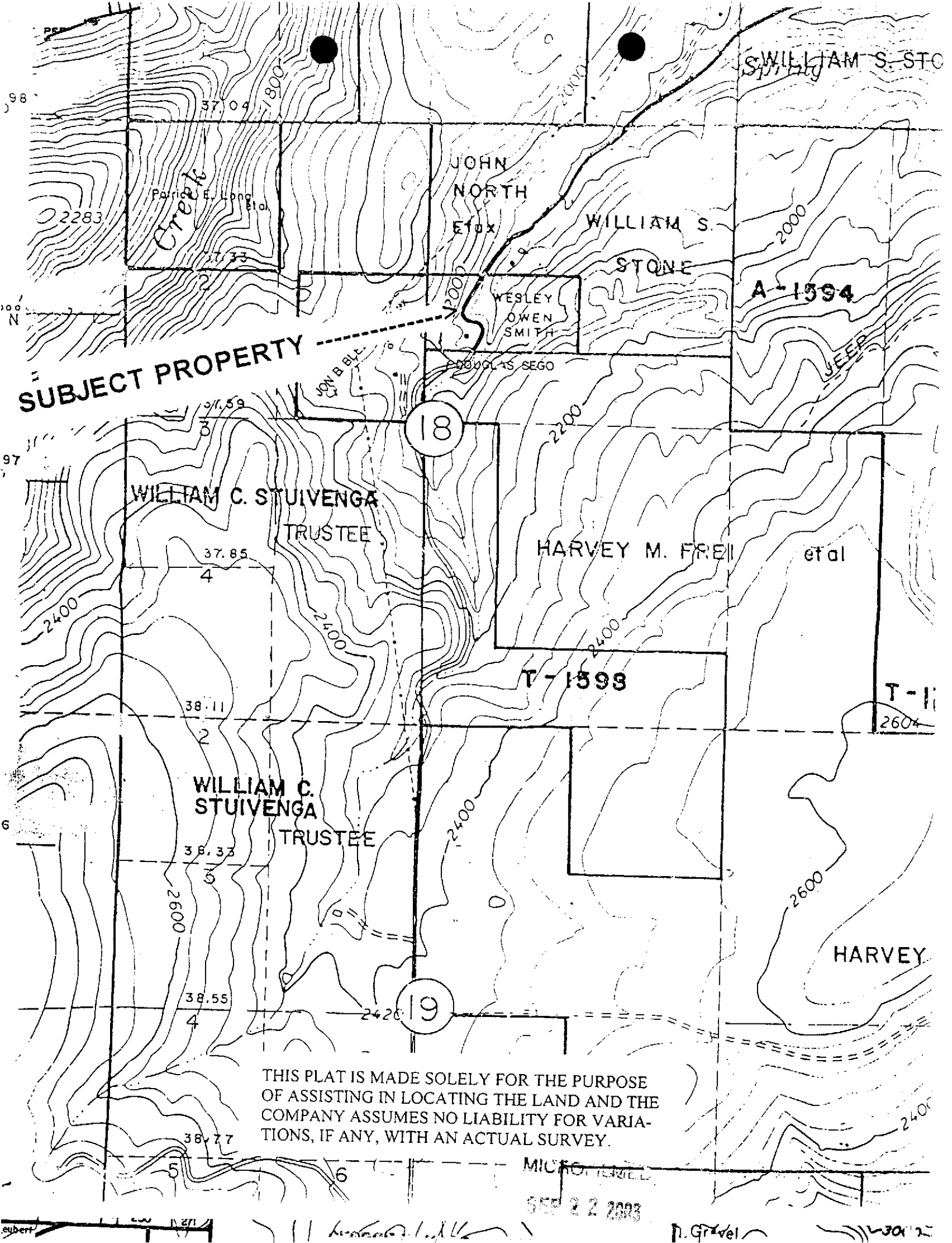

Notary Public for the State of California,
Residing at Grangeville, therein.
My commission expires 6-24-2005.

STATE of IDAHO	
County of Idaho	
Recorded at request of	
<u>Idaho County Title</u>	
at <u>4:00 PM</u>	on <u>10-26-01</u>
ROSE E. GEHRING	
By <u>Baker & Brown</u>	Recorder
Fee <u>\$ 6.00</u>	Deputy

MICROFILMED

-2 SEP 22 2003

WARRANTY DEED



SUBJECT PROPERTY

WILLIAM C. STUIVINGA
TRUSTEE

HARVEY M. FREI et al

WILLIAM C. STUIVINGA
TRUSTEE

T-1593

A-1594

T-1594
2604

HARVEY

THIS PLAT IS MADE SOLELY FOR THE PURPOSE
OF ASSISTING IN LOCATING THE LAND AND THE
COMPANY ASSUMES NO LIABILITY FOR VARIA-
TIONS, IF ANY, WITH AN ACTUAL SURVEY.

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SEP 22 2003

P. Gravel

W. 30' 12'

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

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 85-10205

OCT 25 PM 3:45
FILED
TWIN FALLS CO., IDAHO

RECEIVED

OCT 26 2000

Department of Water Resources

NAME AND ADDRESS: LYNNIE C SMITH
WESLEY OWEN SMITH
415 TOWNSQUARE LN APT 208
HUNTINGTON BEACH, CA 92648

SOURCE: SPRING

TRIBUTARY: CLEARWATER RIVER, SOUTH FORK

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 06/01/1955

POINT OF DIVERSION: T31N R04W S18 NWSWNE Within Idaho County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Domestic T31N R04E S18 SWNE Within Idaho County

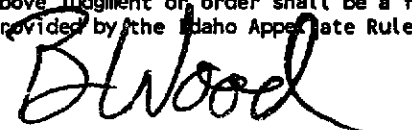
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.


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

MICROFILMED
OCT 22 2000

2000 OCT 25 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)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 85-10205

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 85-10205 was mailed
on October 25, 2000, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

LYNNIE C SMITH
WESLEY OWEN SMITH
415 TOWNSQUARE LN APT 208
HUNTINGTON BEACH, CA 92648
Phone: 714-536-7895

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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SEP 22 2003

PAGE 1
10/25/00



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 4, 2003

WILLIAM D BAINES
ELIZABETH A BAINES
PO BOX 9937
RENO NV 89507

RE: Change of Ownership for Water Right 85-10205

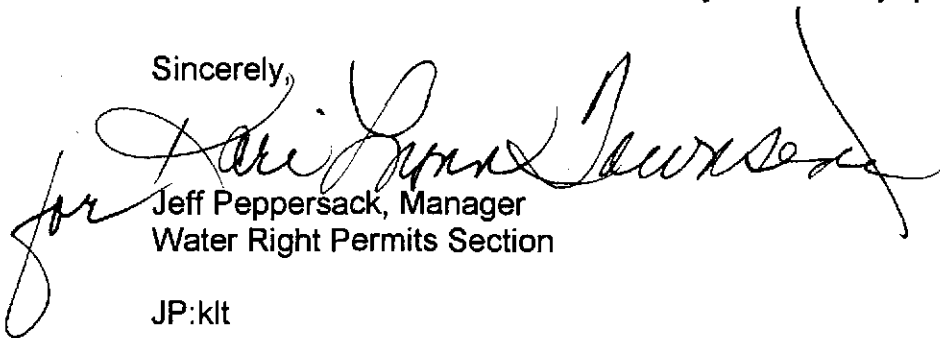
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,



for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

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SEP 22 2003

RECEIVED

MAR - 3 2003

Department of Water Resources

27 February 2003

Per message from Karilynn Townsend, please find enclosed a check for \$25.00 (twenty-five dollars), filing fee for our water right transfer, ID # A85-10205.

Please contact us if there are any problems. Thank you.

Bill and Beth Baines

Box 9937

Reno, NV 89507



(775) 829-4519

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SEP 22 2003

26 November 2001

RECEIVED

DEC -3 2001

Department of Water Resources

Dear folks:

Attached please find the paperwork for our water rights. Please process them. If there are any fees, or if you need any further information, please call or write.

Thank you.

B

Bill and Beth Baines
(775) 829-4519
Box 9937 Reno NV 89507

TU/TH

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SEP 22 2003

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A85-04116
Date Received: 7/ 1/1988
Receipt No: N000397
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: WESLEY OWEN SMITH
Address: 7911 WOODLAKE DR UNIT 73
HUNTINGTON BEACH CA 92647

714-375-9295

AND

Name: LYNNIE C SMITH
Address: 7911 WOODLAKE DR UNIT 73
HUNTINGTON BEACH CA 92647

714-375-9295

2. Date of Priority: MAY 1, 1970

3. Source: UNNAMED STREAM

Trib. to: CLEARWATER RIVER, SOUTH FO

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
31N	04E	18	SW	NW	SE		IDAHO

5. Description of diverting works:

CHECK DAM, PUMP, PIPELINE TO SPRINKLERS & STOCK TANK

~~6. Water is used for the following purposes:~~

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.150		
STOCKWATER	01/01	12/31	0.150		

7. Total Quantity Appropriated is:

0.150 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

6.0 Acre Feet Per Annum.

9. Non-irrigation uses:

8/6-10 HEAD.

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A85-04116

Page 1
JUL 22 2003

Date: 02/14/94

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
31N	04E	18	SW NE		IRR	3.0
Section Acres						3.0
Total Acres						3.0

11. Place of use in counties: IDAHO

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
OWNERSHIP CHANGE REC'D 02/07/1994 SF.

15. Basis of Claim: STATUTORY CLAIM

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A85-04116

SEP 22 2003 Page

2

Date: 02/14/94