

RECEIVED
SEP 29 2005
Department of Water Resources
Southern Region

AFFIDAVIT
DECLARATION OF FORFEITURE

COMES NOW, Don F. Pickett in his official capacity as president of Pickett Ranch & Sheep Co. (herein "Affiant"), of 1659 South 600 West, Oakley, Idaho 83346, and after having been duly sworn deposes and states:

1. That this declaration touches and concerns those water rights described within the records of Idaho Department of Water Resources as SRBA PARTIAL DECREE 45-02444B and SRBA PARTIAL DECREE 45-11164, copies of which are attached hereto as Exhibit "A".

2. That to the Affiant's best knowledge and belief, the described "Place of Use" of each of the aforementioned water rights is the following:

TOWNSHIP 13 SOUTH, RANGE 22 EAST, BOISE MERIDIAN

Section 20: SWNW (9.7 acres), SENW (16.0 acres), NESW (39.0 acres),
SESW (30.0 acres), SWSE (15.0 acres), SESE (38.0 acres)

for a total described acreage of 147.7 acres.

3. On February 4, 2000, Dennis K. Smith conveyed to Pickett Ranch & Sheep Co., by Warranty Deed of which a true and correct copy is attached hereto as Exhibit "A", the following described real property:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 20: S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$, EXCEPT the following described tract:

Beginning at the Southeast corner of the E $\frac{1}{2}$ SW $\frac{1}{4}$ of said Section 20;
Thence North 455 feet;
Thence West 685 feet;
Thence South 455 feet;
Thence East 685 feet to the Point of Beginning.

ALSO SAVE AND EXCEPT THE FOLLOWING DESCRIBED TRACT:

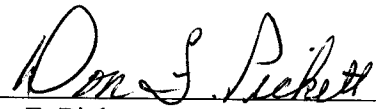
Beginning at the Southwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$; thence East 267 feet
to the True Point of Beginning;
Thence 115 feet East;
Thence 250 feet North;
Thence 115 feet West;
Thence 250 feet South to the True Point of Beginning.

4. That to the best of Affiant's knowledge and belief, the real property conveyed to Pickett Ranch & Sheep Co. described in paragraph 3 immediately above is that same property, or a portion of that same property, to which SRBA Partial Decree 45-02444B and SRBA Partial Decree 45-11164 are decreed appurtenant, for a total irrigable acreage of 94.7 acres.

5. That to the best of Affiant's knowledge and belief, as of February 4, 2000, and at all times after February 4, 2000, no water from either SRBA Partial Decree 45-02444B or SRBA Partial Decree 45-11164 has been diverted or appropriated for irrigation or other purposes on the above-described real property conveyed to Pickett Ranch & Sheep Co. by the said Dennis K. Smith.

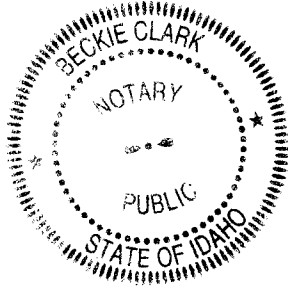
6. Further this Affiant sayeth not.

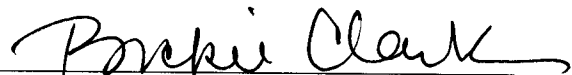
DATED This 20 day of September, 2005.



Don F. Pickett

SUBSCRIBED AND SWORN TO before me this 20 day of September, 2005.





Notary Public for Idaho
Residing at: Oakley ID
My Commission Expires: 7-8-2011



SRBA - PARTIAL DECREE

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SRBA PARTIAL DECREE 45-02444B

Issued on 05-06-2005.

This is not an official copy.

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS: DENNIS K SMITH
201 E SOUTH TEMPLE #116
SALT LAKE CITY, UT 84111

SOURCE: GROUND WATER

QUANTITY: 0.60 CFS
292.80 AFY

PRIORITY DATE: USE OF THIS RIGHT WITH RIGHT NO. 45-11164 IS LIMITED TO A TOTAL
POINT OF DIVERSION: COMBINED DIVERSION RATE OF 0.60 CFS AND TO A TOTAL COMBINED
PURPOSE AND ANNUAL DIVERSION VOLUME OF 292.9 AF.
PERIOD OF USE: 04/30/1953

PURPOSE OF USE: T13S R22E S20 SESESW Within Cassia County

PERIOD OF USE: 03-15 TO 11-15

QUANTITY: 0.60 CFS
292.80 AFY

PLACE OF USE: Irrigation Within Cassia County

T13S R22E S20

SWNW 9.7
NESW 39.0
SWSE 15.0

SENW 16.0
SESW 30.0
SESE 38.0

147.7 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 45-11164 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 147.7 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 94.7 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
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. Section 42-1412(6), Idaho Code.

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).

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SRBA PARTIAL DECREE 45-11164

Issued on 05-13-2005.

This is not an official copy.

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS: DENNIS K SMITH
201 E SOUTH TEMPLE #116
SALT LAKE CITY, UT 84111

SOURCE: GROUND WATER

QUANTITY: 0.22 CFS
USE OF THIS RIGHT WITH RIGHT NO. 45-2444B IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.60 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 292.8 AF.

PRIORITY DATE: 06/30/1985

POINT OF DIVERSION: T13S R22E S20 SESESW Within Cassia County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	0.22 CFS

PLACE OF USE: Irrigation Within Cassia County

	SWNW 9.7	SENW 16.0
T13S R22E S20	NESW 39.0	SESW 30.0
	SWSE 15.0	SESE 38.0

147.7 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 45-2444B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 147.7 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 53 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
THIS RIGHT IS AN EXPANSION OF RIGHT NO. 45-2444B PURSUANT TO
SECTION 42-1416B, IDAHO CODE.

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).

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267315

WARRANTY DEED



#32426

For Value Received

DENNIS K. SMITH, also known as Dennis Kay Smith, an unmarried person

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

PICKETT RANCH & SHEEP COMPANY, an Idaho corporation

**Address: 1650 South 570 West
Oakley, Idaho 83346**

Hereinafter called the Grantee, the following described premises situated in **Cassia** County, Idaho, to-wit:

**TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 20: **S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$, EXCEPT the following described tract:**

Beginning at the Southeast corner of the E $\frac{1}{2}$ SW $\frac{1}{4}$ of said Section 20;
Thence North 455 feet;
Thence West 685 feet;
Thence South 455 feet;
Thence East 685 feet to the Point of Beginning.

ALSO SAVE AND EXCEPT THE FOLLOWING DESCRIBED TRACT:

Beginning at the Southwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$; thence East 267 feet to the True Point of Beginning;
Thence 115 feet East;
Thence 250 feet North;
Thence 115 feet West;
Thence 250 feet South to the True Point of Beginning.

TOGETHER WITH 100 shares of Oakley Canal Company stock.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for the year 2000 and subsequent years.

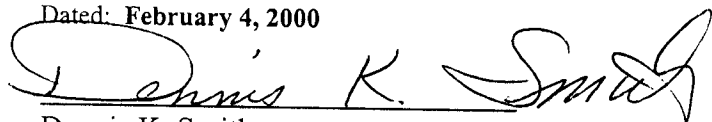
Any assessments levied, or to be levied, by the Oakley Canal Company.

Power Line Easement from J.T. Robinson and Verma Robinson, his wife, to Idaho Power Company, a corporation, dated June 26, 1953 and recorded April 8, 1955 as Instrument No. 185775 in Book 15 of Miscellaneous on Page 250, records of Cassia County, Idaho.

Terms and Conditions contained in Warranty Deed from W. B. Whiteley and Dorothy S. Whiteley, Husband and Wife to Dennis K. Smith and Monica Jo Smith, Husband and Wife, dated April 18, 1975 and recorded May 22, 1975 as Instrument No. 83514, records of Cassia County, Idaho.

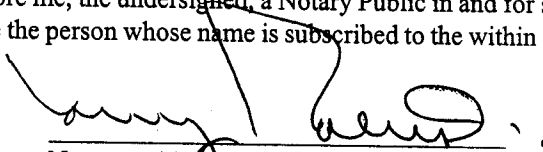
TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: February 4, 2000


Dennis K. Smith

STATE OF IDAHO)
) ss.
COUNTY OF Cassia)

On this 4th day of February, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared DENNIS K. SMITH, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.


Notary Public
Residing at: Burley, ID
My Commission expires: 6-30-03

Larry Roberts
Notary Public
State of Idaho

267315
CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER
FEE 6.00 DEPUTY 
'00 FEB 9 PM 1 13
RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW