

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.

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Department of Water Resources
Eastern Region

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
<u>29-10176</u>	_____	___	_____	_____	___
<u>29-02373</u>	_____	___	_____	_____	___
<u>29-02374</u>	_____	___	_____	_____	___
<u>29-02429</u>	_____	___	_____	_____	___
<u>29-10177</u>	_____	___	_____	_____	___

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Department of Water Resources

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) Kay Dean Smith and Sherry Lyn Smith
826 Wood Road, Bancroft, ID 83217
4. New Owner/Claimant(s) Remy LaBrousche and Ruth A. LaBrousche
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address 1525 P Road
- City, State and ZIP Code Loma, Colorado 81524
- New Telephone Number () _____
5. Date you acquired the property June , 2005

SUPPORT DATA

IN FILE # 29-2373

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) Remy Labrousche
(include title if applicable) Keith A Labrousche

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>SM</u>	Date <u>7-11-05</u>	Fee <u>\$225.00</u> \$175.00	
Receipted by <u>SM</u>	Date <u>7-11-05</u>	Receipt No. <u>CO-785116</u>	<u>CO-78517</u>
Processed by _____	AJ Date _____	WR _____	Date _____

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Department of Water Resources

Instrument # 173488

2005-06-15 03:02:17 No. of Pages: 7

Recorded for . CARIBOU TITLE

CARIBOU COUNTY CLERK

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

Fee: 21.00

BA Stradman

WARRANTY DEED

FOR VALUE RECEIVED, KAY DEAN SMITH AND SHERRY L. SMITH, a/k/a Sherry Lyn Smith, a/k/a Sherry Smith, husband and wife, 826 Wood Road, Bancroft, Idaho 83217 (hereinafter "Grantors") do hereby grant, bargain, sell, and convey unto Remy Labrousche and Ruth A. Labrousche, husband and wife, whose current address is 1525 P. Road, Loma, Colorado 81524 (hereinafter "Grantees") their heirs and assigns forever, the following described premises in Caribou County, Idaho, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND
INCORPORATED BY REFERENCE

TOGETHER WITH Idaho Department of Water Resources Water Right Nos. 29-10176, 29-02373, 29-02374, 29-02429, and 29-10177.

TOGETHER WITH 171 shares in Chesterfield Land and Livestock Association.

TO HAVE AND TO HOLD the said premises, with their appurtenances, including all water, gas, oil and mineral rights, unto the said Grantees and their heirs and assigns forever. Grantors do hereby covenant to and with the said Grantees, that Grantors are the owners in fee simple of said premises, that except as otherwise provided herein, the premises are free from all encumbrances and that they will forever warrant the title to the said premises.

SUBJECT TO THE FOLLOWING:

1. Rights of way, easements, reservations and restrictions of record;
2. Accruing real property taxes for 2005 and subsequent years;
3. Federal patents, building and use restrictions, zoning regulations and ordinances of any governmental unit;

WARRANTY DEED

4. The special exceptions listed in Exhibit "B" attached hereto.
5. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose. Grantors represent, however, that to the best of their knowledge there are no discrepancies or conflicts in boundary lines nor any shortages in area nor any encroachments.

DATED this 15 day of June, 2005.

Kay Dean Smith
Kay Dean Smith

Sherry L Smith
Sherry L. Smith, a/k/ Sherry Lyn Smith,
a/k/a Sherry Smith

STATE OF IDAHO)
 : ss
County of Caribou)

On this 15th day of June, 2005, before me the undersigned, a Notary Public in and for said State, personally appeared Kay Dean Smith and Sherry L. Smith, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

**KENA ANN MOORE
NOTARY PUBLIC
STATE OF IDAHO**

Kena Ann Moore
NOTARY PUBLIC FOR IDAHO
Residing at: Soda Springs, Idaho
My Commission expires: 7/18/05

EXHIBIT A

Caribou County, Idaho:

Township 7 South, Range 39 East of the Boise Meridian:

Section 4: SE½SW¼, S½SE½.

Section 9: E½, E½W½, EXCEPT THEREFROM, Beginning at the Southwest Corner of the SE½SW¼, and running
thence North 179 feet along the West boundary line of said SE½SW¼;
thence East 185 feet;
thence South 179 feet to the South boundary line of said Section;
thence West 185 feet along the Section line,
to the point of beginning.

Section 17: N½, N½SE½, NE½SW¼.

EXCEPT THEREFROM the following described tracts:

1. Beginning at the Northeast Corner of said Section 17, and running
thence West along the North boundary of said Section 17, 650 feet;
thence South at right angles 165 feet;
thence East at right angles 650 feet, to the East boundary of said Section 17;
thence North along said East boundary 165 feet,
to the point of beginning.

2. Beginning at a point on the North boundary of said Section 17, 3385.5 feet West of the Northeast Corner of said Section 17, and running
thence West along the North boundary of said Section 17, 525 feet;
thence South at right angles 415 feet;
thence East at right angles 525 feet;
thence North 415 feet,
to the point of beginning.

Section 19: A tract of land located in the S½SE½ and Lot 4 of Section 19
and 30: and the N½NE½ and Lot 1 of Section 30, more particularly
described as follows:

Beginning at a fence corner which is the accepted Northeast Corner of the SE½SE½ of said Section 19, Township and Range aforesaid, and running
thence South 89°36' West 678.48 feet;
thence South 40°21' West 531.03 feet;
thence South 53°22' West 543.3 feet;
thence North 89°44' West 1892.22 feet to the Easterly right of way line of a County Road;
thence following said right of way South 2°59' East 407.19

EXHIBIT A Cont.

feet;
thence following said right of way to a point South 30°
East 1543.07 feet, said right of way line consists of a
series of irregular curves;
thence along said right of way South 1°44' West 164.87 feet
to the intersection of the North line of another County
Road right of way;
thence North 88°38' East along said right of way 2569.87 feet
to the East line of said Section 30, Township and Range,
aforesaid;
thence North along said East line 2575.18 feet,
to the point of beginning.
EXCEPT THEREFROM, any portion thereof lying within the
right of way of County Roads.

EXHIBIT B

1. Rights of the public in and to that portion of said premises lying within the rights of way of County roads, navigable creeks or rivers.
2. Right of Way for a canal, and all rights incidental thereto, granted by John O. Gooch and Matilda Gooch, husband and wife, to Portneuf Marsh Valley Irrigation Company, by Right of Way Deed, dated July 7, 1914, recorded December 9, 1915, in Book 29 of Deeds, at page 547, under recorder's instrument No. 42952, records of Bannock County, Idaho.
3. Pole Line Easement, and all rights incidental thereto, granted by Stephen D. Grimm to The Mountain States Telephone and Telegraph Co., dated April 10, 1919, recorded April 23, 1919, in Book 36 of Deeds at page 380, under recorder's instrument No. 68627, records of Bannock County, Idaho. Said instrument affects Lot 4, Section 19, and Lot 1 and the NW¼NE¼ of Section 30 T., 7 S., R. 39 E., B.M.
4. Pole Line Easement, and all rights incidental thereto, granted by Homer Cooper and Fern Cooper, his wife, to Utah Power & Light Company, a corporation, dated September 6, 1945, recorded February 21, 1946, in Book 95 of Deeds, at page 180, under recorder's instrument No. 243234, records of Bannock County, Idaho. Said instrument affects Lots 3 and 4, Section 19, T. 7. S., R. 39 E., B.M.
5. Pole Line Easement, and all rights incidental thereto, granted by W.S. Grimm and Hannah E. Grimm, his wife, to Utah Power & Light Co., a corporation, dated September 6, 1945, recorded February 21, 1946, under recorder's instrument No. 243235, records of Bannock County, Idaho. Said instrument affects Lots 1 and 2, Section 30, T. 7 S., R. 39 E., B.M.
6. Pole Line Easement, and all rights incidental thereto, granted by Delbert K. Argyle and Dora B. Argyle, his wife, to Utah Power & Light Company, a corporation, dated October 24, 1945, recorded March 2, 1946, in Book 95 of Deeds at page 254, under recorder's instrument No. 243545, records of Bannock County, Idaho. Said instrument affects the NW¼NW¼ of Section 17, T. 7 S., R. 39 E., B.M.
7. Right, title and interest of R.W. Slemaker, and all those claiming under him, in and to, "...an undivided 15/16ths interest in, to and of all oil, gas and other minerals, located in, on or under..." Section 17, T. 7 S. R., 39 E., B.M., disclosed by that certain Oil, Gas, and Mineral Grant executed by Delbert K. Argyle and Dora B. Argyle, husband and wife, to R. W. Slemaker, dated November 5, 1951, recorded November 13, 1951, in Book 13 of Deeds, at page 630, under recorder's instrument No. 29838, records of Caribou County, Idaho.
8. Pole Line Easement, and all rights incidental thereto, granted by Wilford W. Lundberg and Annie R. Lundberg, his wife, to Utah Power & Light Co., a corporation, dated August 3, 1956, recorded September 25,

EXHIBIT B Cont.

1956, in Book 39 of Deeds at page 490, under recorder's instrument No. 38288, records of Caribou County, Idaho. Said instrument affects the N%NE% of Section 30, T. 7 S., R. 39 E., B.M.

9. Pole Line Easement, and all rights incidental thereto, granted by Delbert K. Argyle and Dora B. Argyle, his wife, to Utah Power & Light Company a corporation, dated February 20, 1958, recorded March 28, 1958, in Book 41 of Deeds, at page 15, under recorder's instrument No. 40747, records of Caribou County, Idaho. Said easement affects the NE%SE% and SE%NE% of Section 17, T. 7 S., R. 39 E., B.M.

10. Pole Line Easement, and all rights incidental thereto, granted by Ernest Hogan and Cora S. Hogan, his wife, to Utah Power & Light Company, a corporation, under instrument dated August 20, 1958, recorded November 3, 1958, in Book 41 of Deeds, at page 451, under recorder's instrument No. 41836, records of Caribou County, Idaho. Said easement affects the SE%SW% and S%SE% of Section 9, T. 7 S., R. 39 E., B.M.

11. Pole Line Easement, and all rights incidental thereto, granted by Delbert K. Argyle and Dora B. Argyle, his wife, to Utah Power & Light Company, a corporation, dated May 11, 1960, recorded June 1, 1960, in Book 43 of Deeds, at page 118, under recorder's instrument No. 44586, records of Caribou County, Idaho. Said easement affects the NE%NW%, N%NE% of Section 17 T. 7 S., R. 39 E., B.M.

12. Pole Line Easement, and all rights incidental thereto, granted by Ernest Hogan and Cora S. Hogan, his wife, and Lafe Holbrook and Donna Holbrook, his wife, to Utah Power & Light Company, a corporation, under instrument dated May 12, 1960, recorded June 1, 1960, in Book 43 of Deeds, at page 120, under recorder's instrument No. 44588, records of Caribou County, Idaho. Said easement affects the E%SW% of Section 9, T. 7 S., R. 39 E., B.M.

13. Pole Line Easement, and all rights incidental thereto, executed by Lucile R. Jones, Amos G. Rigby and Ann C. Rigby, husband and wife, to Utah Power & Light Company, a corporation, dated May 12, 1960, recorded June 1, 1960, in Book 43 of Deeds, at page 121, under recorder's instrument No. 44589, records of Caribou County, Idaho. Said easement affects the SE%SW% of Section 4 and the E%NW% of Section 9, T. 7 S., R. 39 E., B.M.

14. Pole Line Easement, and all rights incidental thereto, executed by Ernest Hogan and Cora S. Hogan, husband and wife, and Lafe Holbrook and Donna Holbrook, husband and wife, to Utah Power & Light Company, a corporation, under instrument dated March 20, 1960, recorded June 1, 1960, in Book 43 of Deeds, at page 238, under recorder's instrument No. 44926, records of Caribou County, Idaho. Said easement affects the S%SE% and SE%SW% of Section 9, T. 7 S., R. 39 E., B.M.

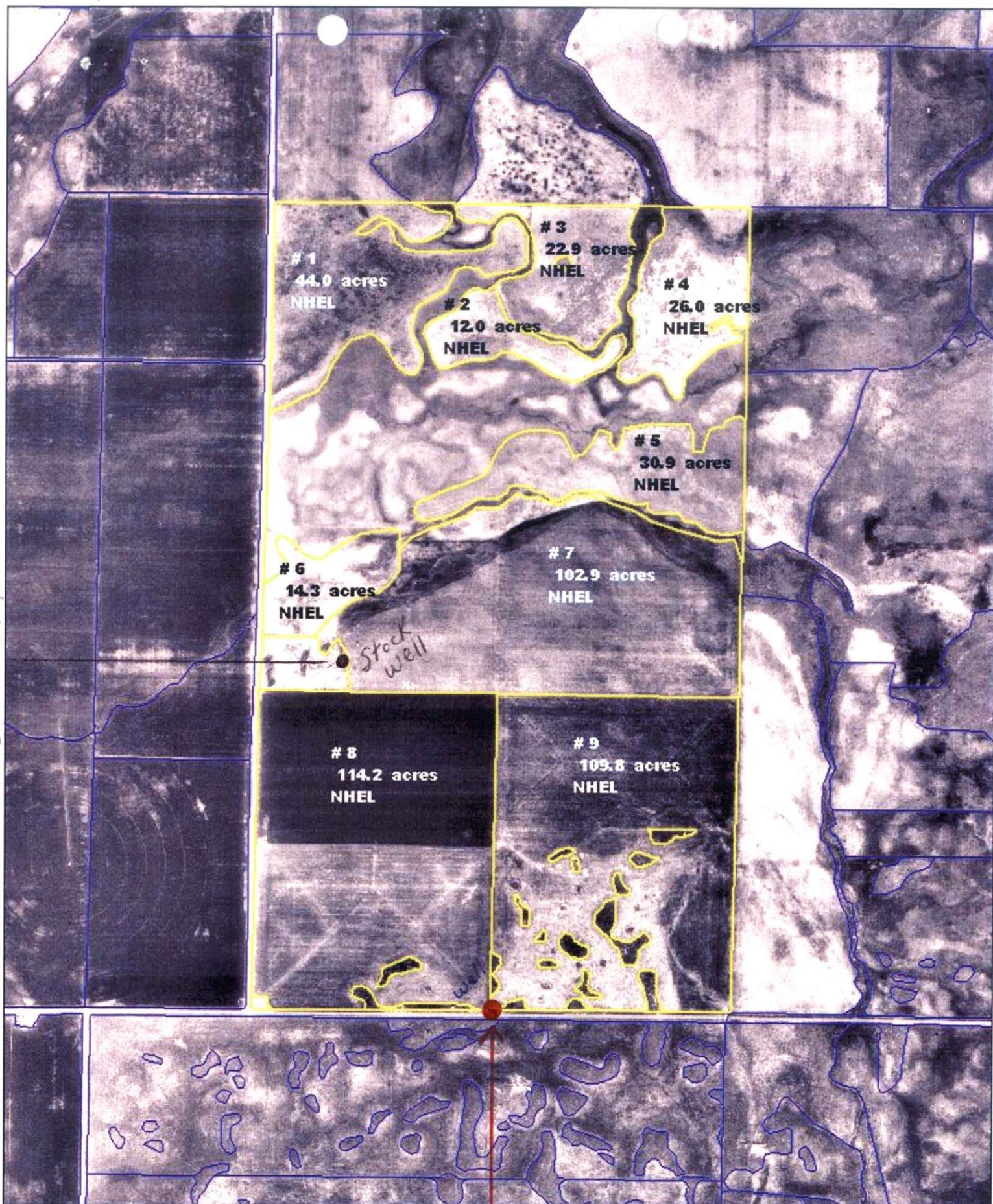
15. Right of Way, and all rights incidental thereto, executed by Dean

EXHIBIT B Cont.

Smith and Sherry Smith, to J.R. Simplot Company, a Nevada corporation, dated December 18, 1989, recorded January 24, 1990, under recorder's instrument No. 138272, records of Caribou County, Idaho. Said right of way affects the S½SE¼ and Lot 4 of Section 19, and the N½NE¼ of Section 30, T. 7 S., R. 39 E., B.M.

16. Right of Way, and all rights incidental thereto, granted by Dean Smith, to Portneuf-Marsh Valley Canal Company, Limited, dated June 14, 2002, recorded July 2, 2002, under recorder's instrument No. 166322, records of Caribou County, Idaho. Said instrument affects the NW¼ of Section 17, T. 7 S., R. 39 E., B.M.

29-10177



Tract 536
Farm 1092
T7S R39E Sec 9

C7A

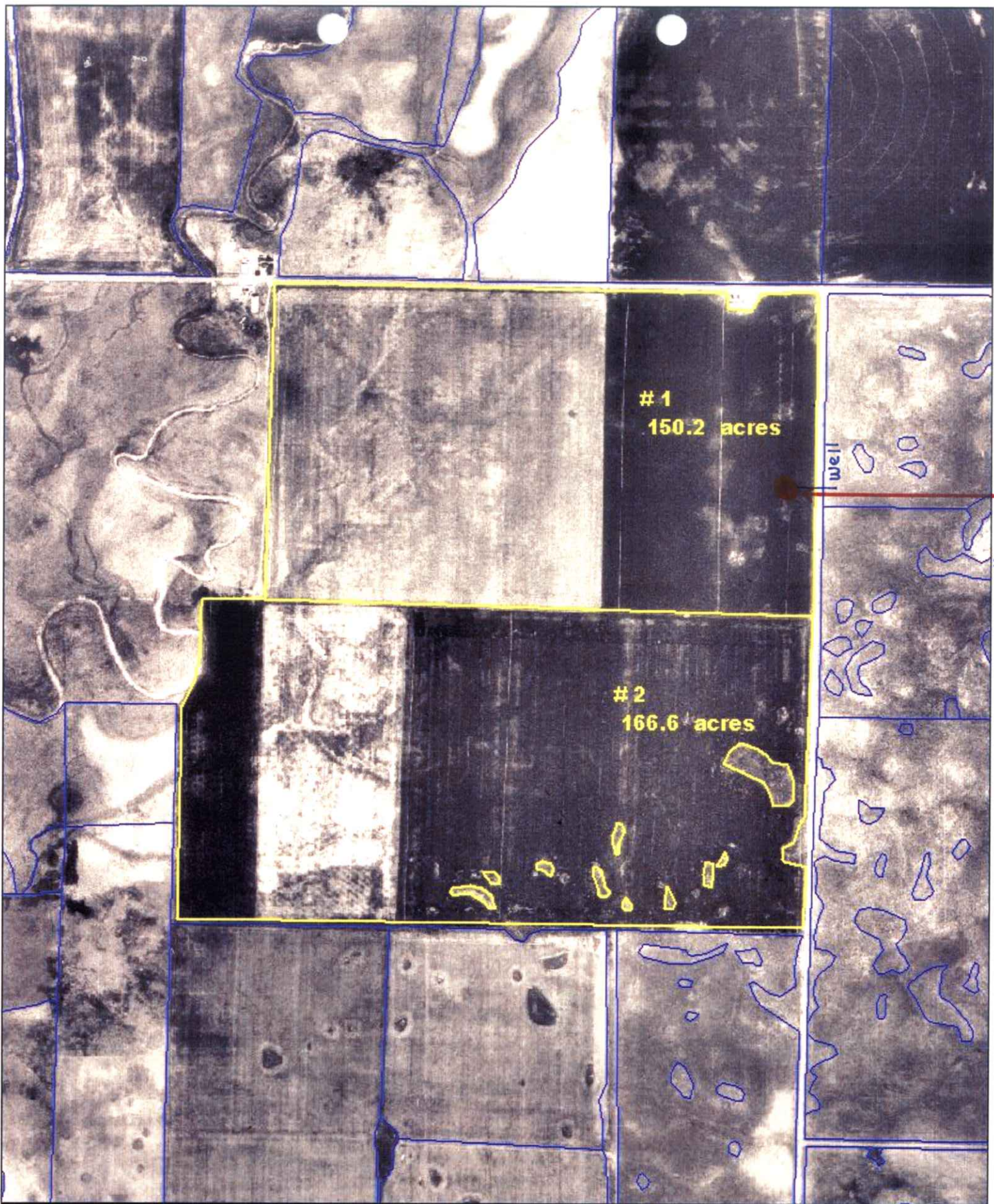
29-02429
29-10176

Deane

0.1 0 0.1 0.2 0.3 0.4 Miles



Map Printed: Oct 23, 2003



29-02373

Tract 1705
Farm 1092
T7S R39E Sec17
C&4

0.08 0 0.08 0.16 0.24 0.32 Miles



Map Printed: Dec 1, 2003



29-02374

Tract 1706
Farm 1092
T7S R39E Sec19/30
C94

0.05 0 0.05 0.1 0.15 0.2 Miles



Map Printed: Dec 1, 2003