

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
29-2302			29-10160		
29-2545			29-10161		
29-4006			29-10162		
29-7028			29-10163		
29-13395			29-10164		
			29-10165		

*In name of Delmo and
Mada Smith*

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) Smith Ranch Family Limited Partnership
2651 Kelly Toponce Rd., Bancroft, ID 83217
4. New Owner/Claimant(s) Remy LaBrouche and Ruth A. LaBrouche
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
1525 P Road
New Mailing Address Loma, Colorado 81524
City, State and ZIP Code
New Telephone Number () _____
5. Date you acquired the property June , 2005

SUPPORT DATA

IN FILE # 29-2302

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)

Remy Lehoucq
Keith A. Lehoucq

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 *MR*Date *7-11-05*Fee *\$ 225.00 + 175*Received by *MR*Date *7-1-05*Receipt No. *CO-78516 & CO-78517*

Processed by _____

AJ

Date _____

WR _____

Date _____

RECEIVED

JUL 11 2005

Department of Water Resources

WARRANTY DEED

Instrument # 173487

2005-06-15 02:58:57 No. of Pages: 9

Recorded for: CARIBOU TITLE

CARIBOU COUNTY CLERK

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

Fee: 27.00

BA Stradman

FOR VALUE RECEIVED, SMITH RANCH FAMILY LIMITED PARTNERSHIP, f/k/a DELMO SMITH RANCH FAMILY LIMITED PARTNERSHIP, a/k/a DELMO SMITH RANCH FAMILY PARTNERSHIP, 2651 Kelly Toponce Road, Bancroft, Idaho 83217 (hereinafter "Grantor") does 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. 29-2302, 29-2545, 29-4006, 29-7028, 29-13395.

TOGETHER WITH Idaho Department of Water Resources Water Right Nos. 29-10160, 29-10161, 29-10162, 29-10163, 29-10164, 29-10165.

TOGETHER WITH 380 shares in Chesterfield Land and Livestock Association.

TOGETHER WITH 2400 shares of stock in Topons Canal Company a/k/a Toponce Canal Company, a/k/a Toponce Canal Company, Ltd.

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. Grantor does hereby covenant to and with the said Grantees, that Grantor is the owner 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;

WARRANTY DEED

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;
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.

SMITH RANCH FAMILY LIMITED PARTNERSHIP

By Mada J. Smith
Mada Smith, General Partner

By Loren D. Smith
Loren D. Smith, General Partner

By Kay Dean Smith
Kay Dean Smith, General Partner

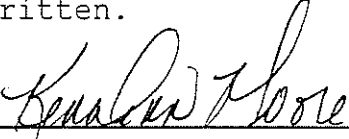
STATE OF IDAHO)
 : ss
County of Caribou)

On this 15th day of June, 2005, before me the undersigned, a Notary Public in and for said State, personally appeared Mada Smith, known or identified to me to be one of the partners in the partnership of Smith Ranch Family Limited Partnership and the

partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that she executed the same in said partnership name.

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



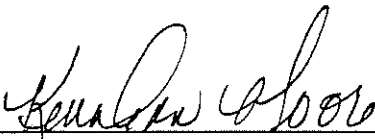
NOTARY PUBLIC FOR IDAHO
Residing at: Soda Springs, Idaho
My Commission expires: 7/18/09

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 Loren D. Smith, known or identified to me to be one of the partners in the partnership of Smith Ranch Family Limited Partnership and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

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



NOTARY PUBLIC FOR IDAHO
Residing at: Soda Springs, Idaho
My Commission expires: 7/18/09

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, known or identified to me to be one of the partners in the partnership of Smith Ranch Family Limited Partnership and the

partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

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

Kena Ann Moore

KENA ANN MOORE
NOTARY PUBLIC
STATE OF IDAHO

NOTARY PUBLIC FOR IDAHO

Residing at: Soda Springs, Idaho

My Commission expires: 7/18/09

EXHIBIT A

Caribou County, Idaho:

Township 7 South. Range 38 East of the Boise Meridian:

Section 12: Lots 3, 4, E½SW¼, W½SE¼, EXCEPT THEREFROM, any portion thereof lying within the right of way of County Roads.

Section 14: W½SW¼, SW¼NW¼.

Section 15: SE¼, SE¼NE¼.

Section 22: A tract of land in the N¼N¼ of said Section 22, more particularly described as follows:

Beginning at the Northeast corner of the NW¼NE¼ of Section 22, and running thence South approximately 940 feet to an existing fence line; thence in a Northwesterly direction along an existing fence line approximately 1550 feet; thence in a Northerly directly along an existing fence line approximately 250 feet to the North section line of said Section 22;

thence East approximately 1360 feet along the Section line, to the point of beginning.

Section 23: N¼NE¼, NW¼, E½SW¼, SW¼SE¼, ALSO, Beginning at the Southeast Corner of the SW¼SW¼ of Section 23, and running thence Northwesterly along a ditch, 980 feet, more or less, to an existing fence line; thence Northeasterly along said fence line 1910 feet, more or less, to a point on the West 1/16th line, which point is 2060 feet, more or less, North of the point of beginning; thence South along the West 1/16th line, 2060 feet, more or less,

to the point of beginning.

EXCEPT THEREFROM the NE¼NE¼NW¼ and the NE¼SE¼NE¼NW¼.

ALSO EXCEPT THEREFROM the following 4 tracts of land.

1. Beginning at a point 2221.5 feet East and 25 feet South of the Northwest corner of Section 23, and running thence South 290.4 feet; thence East 150 feet; thence North 290.4 feet; thence West 150 feet; to the point of beginning.

2. Beginning at a point 400 feet North of the Southeast corner of the NE¼NW¼ of Section 23, and running thence West 220 feet; thence North 130 feet; thence East 220 feet; thence South 130 feet; to the point of beginning.

3. Beginning at a point 1300 feet South of the Northwest corner of the SE¼NW¼ of said Section 23, and running thence South 600 feet; thence North 26°33'54" East 670.82 feet, more or less, to the latitudinal center line; thence West 300 feet,

EXHIBIT A Cont.

to the point of beginning.

4. Beginning at a point 330 feet North of the Southeast corner of the NE½NW¼ of said Section 23, and running thence West 660 feet; thence South 330 feet; thence East 660 feet; thence North 330 feet, to the point of beginning. (ALSO described as the S½SE½NE½NW¼)

Section 24: NW½NW¼.

Section 26: W½NW¼, SW¼ lying South and East of the Kelly-Toponce County Road, as presently located.

Section 27: S½NE½, N½SE½.

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 Deed, and all rights incidental thereto, granted by Walter L. Kelly and Adell Kelly, husband and wife, to Portneuf Marsh Valley Irrigation Company of Idaho, a corporation, dated March 9, 1914, recorded June 23, 1914, in Book 29 of Deeds at page 25, records of Bannock County, Idaho. Said instrument affects the SE¼ of Section 23, T. 7 S., R. 38 E., B.M.

3. Right of Way for a canal, and all rights incidental thereto, granted by Walter J. Kelly and Adell Kelly, husband and wife, to Portneuf Marsh Valley Irrigation Company, a limited corporation, dated February 25, 1915, recorded April 10, 1915, in Book 3 of Deeds at page 10, records of Bannock County, Idaho. Said instrument affects the SE¼SW¼ and the SW¼SE¼ of Section 23, T. 7 S., R. 38 E., B.M.

4. Pole Line Easement, and all right incidental thereto, granted by Lester Smith and Bregretta Smith, his wife, to Utah Power & Light Company, a corporation, dated September 7, 1945, recorded February 21, 1946, in Book 95 of Deeds at page 178, under recorder's instrument No. 243230, records of Bannock County, Idaho. Said instrument affects the SW¼ of Section 26, T. 7 S., R. 38 E., B.M.

5. Pole Line Easement, and all rights incidental thereto, granted by Lester Smith and Bergretta Smith, his wife, to Utah Power & Light Company, a corporation, dated September 6, 1945, recorded February 21, 1946, in Book 95 of Deeds, at page 178, under recorder's instrument No. 243231, records of Bannock County, Idaho. Said instrument affects the SW¼ of Section 23, T. 7 S., R. 38 E., B.M.

6. Pole Line Easement, and all rights incidental thereto, granted by J.A. White and Grace C. White, his wife, to Utah Power & Light Company, a corporation, dated September 6, 1945, recorded February 21, 1946, in Book 95 of Deeds, at page 179, under recorder's instrument No. 243232, records of Bannock County. Said instrument affects the NW¼NE¼ of Section 23, T. 7 S., R. 38 E., B.M.

7. Pole Line Easement, and all rights incidental thereto, granted by Lester Smith and Bregretta Smith, his wife, to Utah Power & Light Company, a corporation, dated May 14, 1952, recorded November 24, 1953, under recorder's instrument No. 33412, records of Caribou County, Idaho. Said instrument affects the NE¼SW¼ of Section 26, T. 7 S., R. 38 E., B.M.

8. Pole Line Easement, and all rights incidental thereto, granted by Lester Smith and Bregietta Smith, his wife, to Utah Power & Light Company, a corporation, dated September 16, 1954, recorded October 1, 1954, under recorder's instrument No. 34658, records of Caribou County. Said

EXHIBIT B Cont.

instrument affects the S½SW¼ and the NE½SW¼ of Section 26, T. 7 S., R. 38 E., B.M.

9. Right of Way, and all rights incidental thereto, granted by Lester Smith and Bregretta Smith, husband and wife, to Caribou County, State of Idaho, dated September 13, 1954, recorded September 14, 1954, under recorder's instrument No. 34551, records of Caribou County, Idaho. Said instrument affects the W¼ of Section 23 T. 7 S., R. 38 E., B.M.

10. Pole Line Easement, and all rights incidental thereto, granted by J.A. White and Grace C. White, his wife, to Utah Power & Light Company, a corporation, dated September 16, 1954, recorded October 1, 1954, in Book 38 of Deeds, at page 318, under recorder's instrument No. 34661, records of Caribou County, Idaho. Said instrument affects the Section NW¼NE¼ of Section 23, T. 7 S., R. 38 E., B.M.

11. Pole Line Easement, and all rights incidental thereto, executed by Delmo Smith and Mada Smith, his wife, to Utah Power & Light Company, a corporation, dated June 13, 1967, recorded October 26, 1967, under recorder's instrument No. 61845, records of Caribou County, Idaho. Said easement affects the SW¼SE¼ and the SE½SW¼ of Section 23, T. 7 S., R. 38 E., B.M.

12. Easement, and all rights incidental thereto, disclosed by Grant Easement between Rose Denese White, unmarried and The Federal Land Bank of Spokane, a corporation, dated April 3, 1986, recorded April 7, 1986, under recorder's instrument No. No. 127600, records of Caribou County, Idaho. Said easement affects the property in Section 23, T. 7 S., R. 38 E., B.M.

13. Easement, and all rights incidental thereto, disclosed by Grant of Easement, between Rose Denise White, unmarried and The Federal Land Bank of Spokane, a corporation, dated April 3, 1986, recorded April 7, 1986, under recorder's instrument No. 127601, records of Caribou County, Idaho. Said easement affects the property in Section 23, T. 7 S., R. 38 E., B.M.

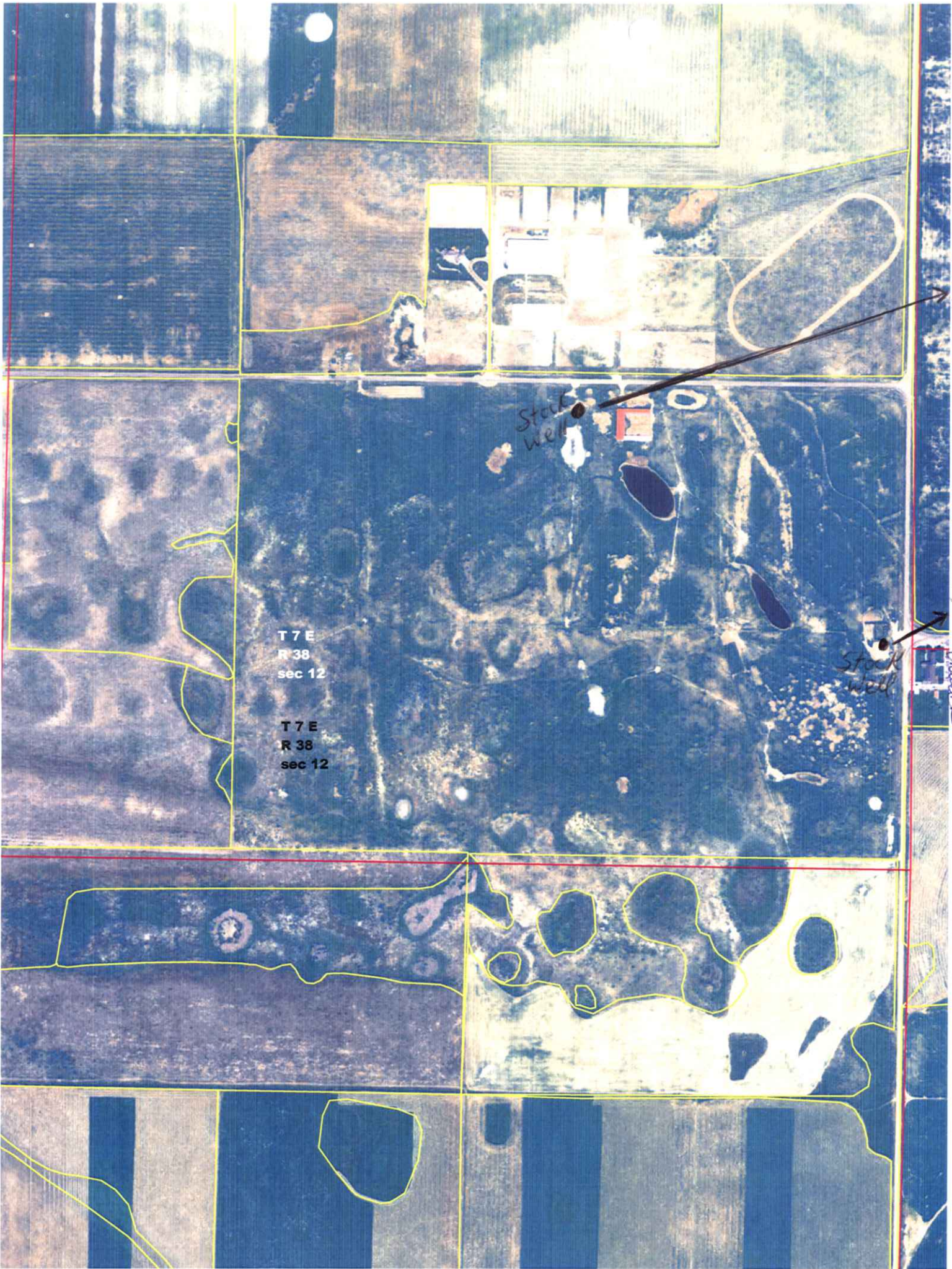
14. Reservations, and all rights incidental thereto, as disclosed by Warranty Deed executed by William A. Froerer, Trustee, to Delmo Smith and Mada Smith, husband and wife, dated December 10 1987, recorded December 11, 1987, under recorder's instrument No. 133242, records of Caribou County, Idaho. Said reservation affects the property in Section 12, T. 7 S., R. 38 E., B.M., and is as follows:

"...subject to a right of way for ingress and egress from a county road on the north of said premises in a Southerly direction to the N¼NW¼ of Section 13."

15. Right of Way, and all rights incidental thereto, granted by Delmo Smith and Mada Smith, to J.R. Simplot Company, a Nevada Corporation, dated November 21, 1989, recorded November 27, 1989, under recorder's instrument No. 137872; corrected by Right of Way Agreement executed by Delmo Smith

EXHIBIT B Cont.

and Mada Smith, husband and wife, to J.R. Simplot Company, a Nevada corporation, dated April 3, 1991, recorded October 15, 1991, under recorder's instrument No. 142234; re-recorded October 21, 1991, under recorder's instrument No. 142257, all in the records of Caribou County, Idaho. Said right of way affects the W½W½ of Section 14, SE½NE½ of Section 15, N½NE½ of Section 23, and the NW½NW½ of Section 24, T. 7 S., R. 38 E., B.M.



09101-62 #

1910462 #

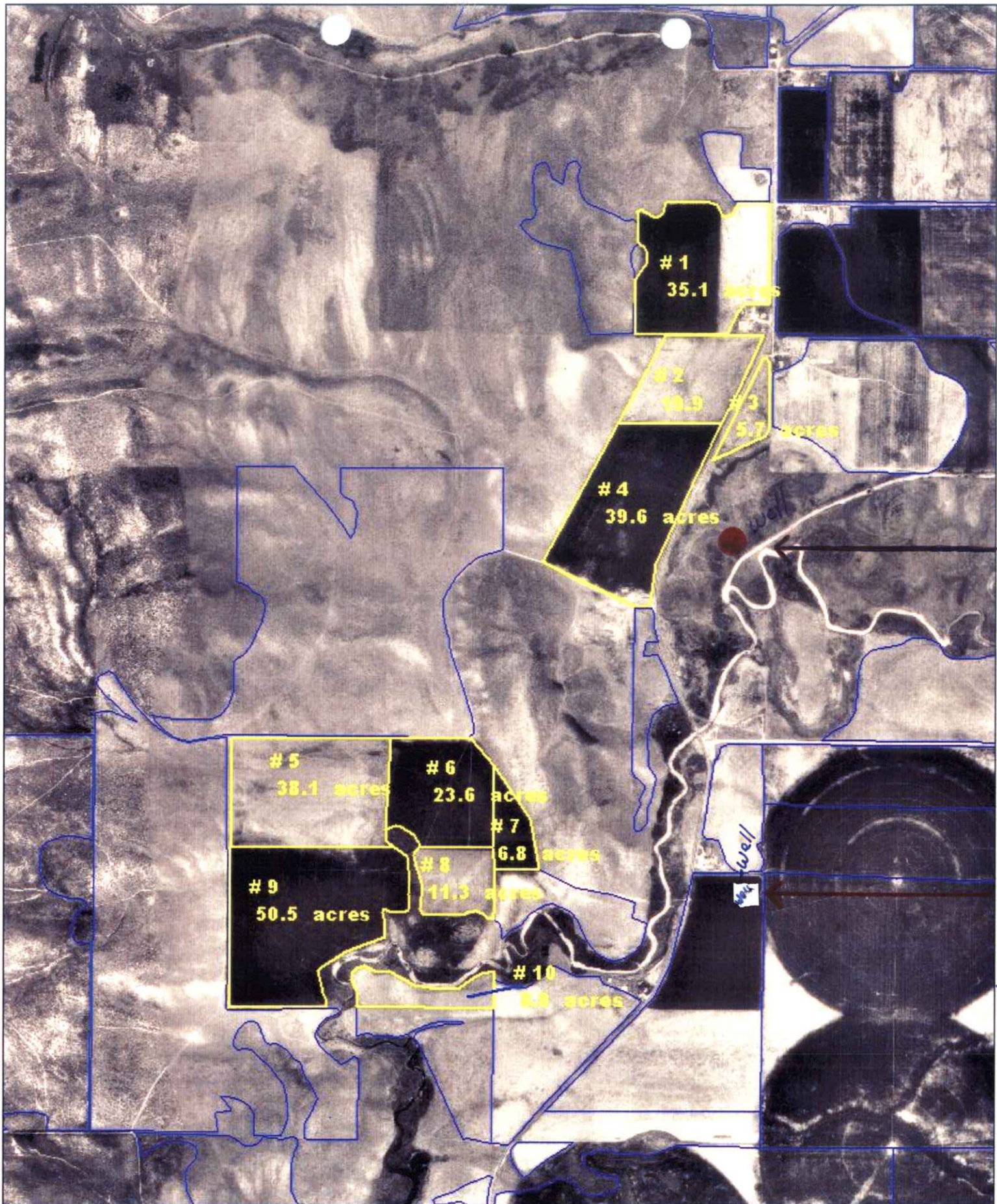
Phase L

Stock well

Stock well

T 7 E
R 38
sec 12

T 7 E
R 38
sec 12



29-2545

29-4006

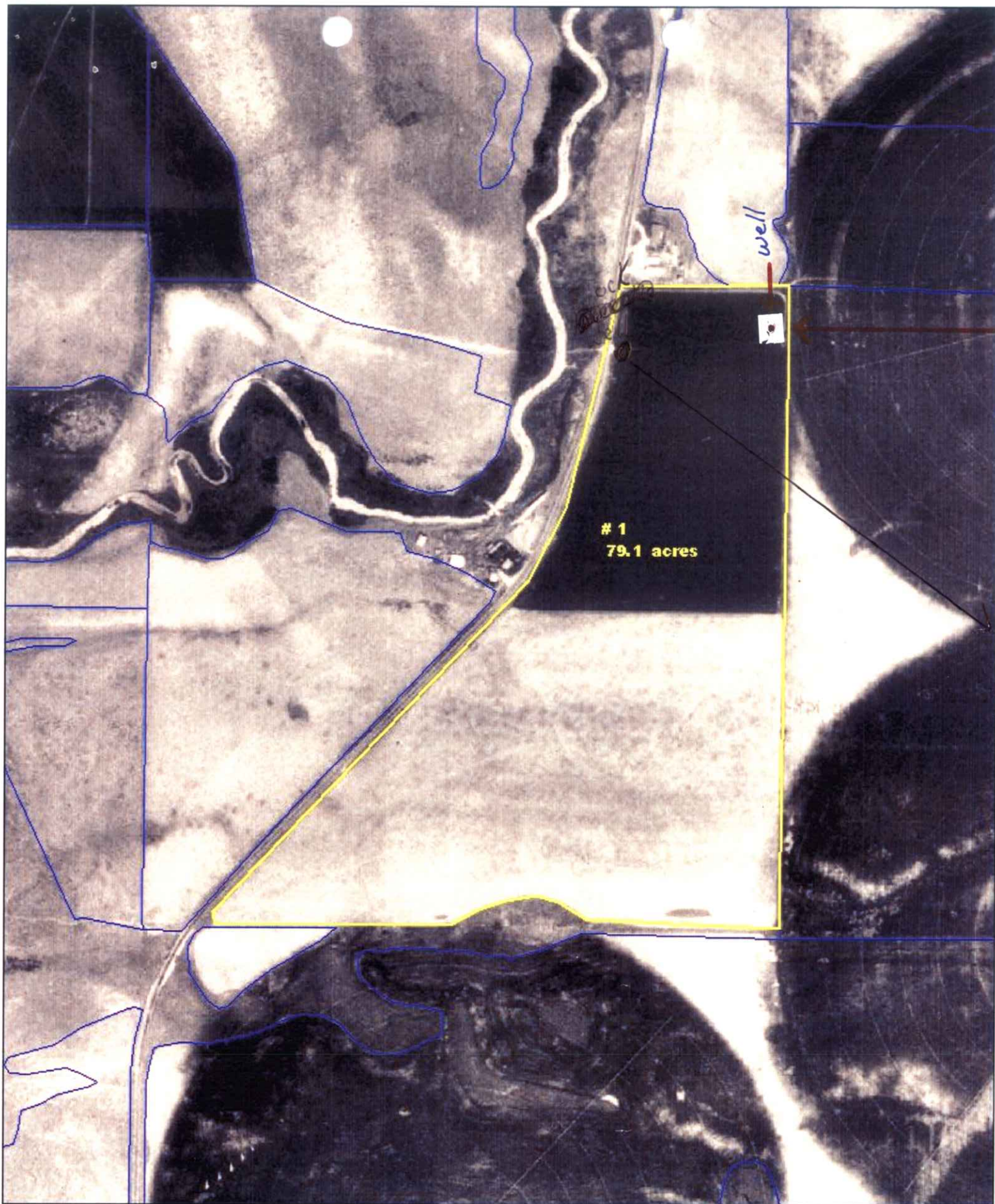
Tract 1097
Farm 893
T7S R38E Sec23
B94

Rth

0.1 0 0.1 0.2 0.3 0.4 Miles



Map Printed: Dec 1, 2003



#29-2302

#29-10165

Tract 1093
Farm 893
T7S R38E Sec26
B9.4

0.05 0 0.05 0.1 0.15 0.2 Miles



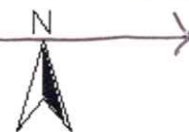
Map Printed: Dec 1, 2003



Tract 1704
Farm 893
T7S R38E Sec15/14 23/24
B&A

Domestic Well

0.1 0 0.1 0.2 0.3 0.4 Miles



Map Printed: Dec 1, 2003

29-13395

29-10163

29-7028

29-10162

29-10164

Toponce Canal Company, Service Area Boundary

- Boundary
- Township
- Section
- Quarter/Quarter



1987-88 NAPP Photography
Date Prepared: 10-25-01
Prepared by: Mark Larson
Idaho Department of Water Resources

600 0 600 1200 1800 2400 3000 Feet

T07S38E

2

1

11

12

14

13

