

COUNTRY ESTATES SUBDIVISION

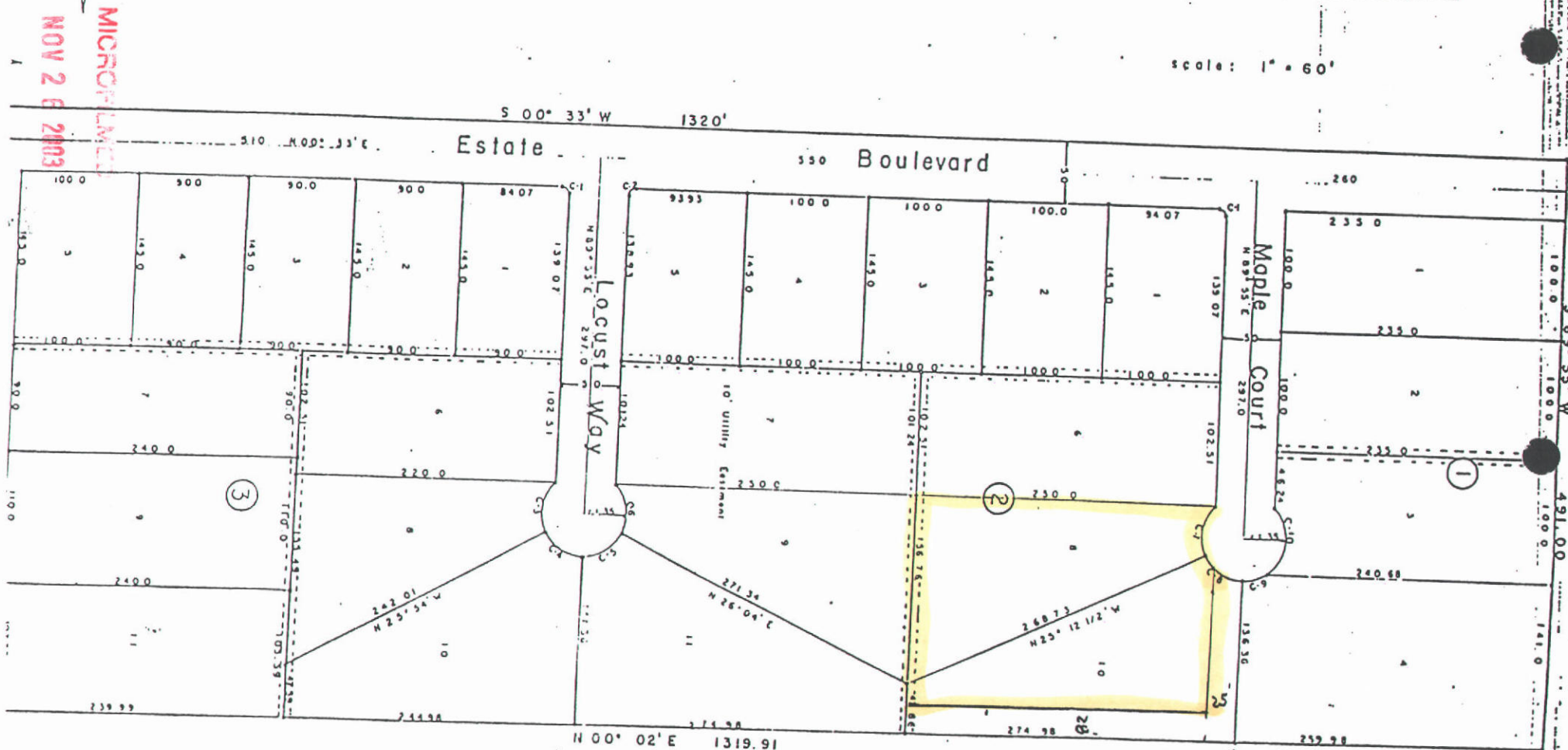
A Portion of Government Lot 8 **SESW**
 Section 14, Township 8 North, Range 5 West,
 Boise Meridian

CURVE TABLE

Interior Angle	Radius	Length	Long Chord
C-1 89° 22'	5'	2.38'	8.44'
C-2 90° 38'	5'	2.49'	8.53'
C-3 70° 14 3/4'	35'	42.90'	40.78'
C-4 64° 01'	35'	39.10'	36.40'
C-5 63° 51'	35'	38.00'	37.02'
C-6 80° 53 1/2'	35'	49.20'	43.24'
C-7 69° 31'	35'	42.48'	39.93'
C-8 64° 52 1/2'	35'	39.82'	37.33'
C-9 53° 26 1/4'	35'	20.42'	20.44'
C-10 100° 28 1/4'	35'	61.67'	24.12'

scale: 1" = 60'

E. Corner
 class 34
 1/4 CORNER



RECEIVED

MAR 17 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

MAR 15 2002

WATER RESOURCES
WESTERN REGION

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
\$25 → 65-8996					
no fee →	65-12156	- Region			

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) Daisy Franek Frank Franek
2139 Maple Crt. Fruitland, Id. 83619
4. New Owner/Claimant(s) Albert^E Smith Martha^E Smith
Name Connector (Check one): ☐ and, ☒ or, ☐ and/or
- New Mailing Address 2139 Maple Court
- City, State and ZIP Code Fruitland Idaho 83619
- New Telephone Number (208) 452-7420
5. Date you acquired the property 02-25-02

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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) _____

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>AB</u>	Date <u>3-15-02</u>	Fee <u>\$25-</u>	MICROFILMED
Received by <u>AB</u>	Date <u>3-15-02</u>	Receipt No. <u>W028895</u>	
Processed by _____	AJ Date _____	WR _____	Date <u>NOV 26 2003</u>

RECEIVED

MAR 18 2002

FA14813
APN. 2266 & 2266-2

Department of Water Resources

RECEIVED

MAR 15 2002

WATER RESOURCE
WESTERN REGION

PERSONAL REPRESENTATIVE'S DEED

For Value Received, LAVINA FEHLMAN, the duly appointed qualified and acting Personal Representative of the Estate of FRANK FRANEK, Deceased, pursuant to appointment by the Magistrate Division of the District Court of the Third Judicial District in and for Payette County, State of Idaho, the Grantor(s), do(es) hereby grant, bargain, sell and convey unto ALBERT E. SMITH AND MARTHA E. SMITH, HUSBAND AND WIFE, the Grantee(s), of PO BOX 508, FRUITLAND, IDAHO 83619, all right, title and interest of the said estate in and to the following described premises, located in the County of Payette, State of Idaho, to-wit:

IN THE AMENDED PLAT OF COUNTRY ESTATES SUBDIVISION, AS PER PLAT IN BOOK 3, PAGE 22, PLAT RECORDS, PAYETTE COUNTY, IDAHO:

IN BLOCK 2: LOT 10, SAVE AND EXCEPTING THE NORTH 25 FEET AND THE EAST 28 FEET THEREOF; AND LOT 8. *Per Sharon at Payette County assessors*

Office: T8N R5W S14 SWSW - Kari Lynn - 11-20-03

TO HAVE AND TO HOLD, the said premises with their appurtenances unto the said Grantee(s), he/she/they their heirs and assigns forever. And said Grantor(s) do(es) hereby covenant to and with the said Grantee(s) that the property is free from all encumbrances excepting reservations, easements, encumbrances, restrictions and rights of way appearing of record and/or existing, and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

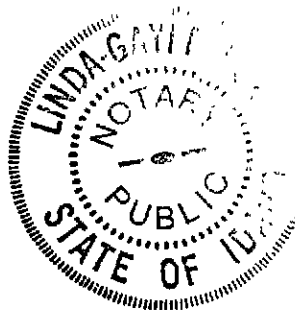
Dated: FEBRUARY 25, 2002

Lavina Fehlman Personal Representative
LAVINA FEHLMAN Personal Representative
of the Estate of FRANK FRANEK

STATE OF IDAHO)
SS.
County of Payette)

On this 25TH day of FEBRUARY, 2002, before me, a notary public in and for said State, personally appeared LAVINA FEHLMAN, known to me to be the person(s) whose name(s) are/is subscribed to the within instrument as Personal Representative and acknowledged to me that she executed the same in her official capacity as Personal Representative of the said estate.

Linda Gayle Fox
LINDA-GAYLE FOX Notary Public
Residing at: PARMA, IDAHO
Comm. Expires: 02/15/2008



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NOV 25 2003

Form No. 1402 92
(10/17/92)
ALTA Owner's Policy



POLICY OF TITLE INSURANCE



ISSUED BY

First American Title Insurance Company

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

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NOV 26 2003

First American Title Insurance Company

BY

Gary L. Kenneth

PRESIDENT

ATTEST

Mark A. Arnesen

SECRETARY

J 1556223

Order No. FA- 14813

Policy No. J 1556223

**ALTA Owner's Policy
(6-1-87)
Schedule A**

SCHEDULE A

Form No. 1402.92 (10/17/92)

Amount of Insurance \$105,000.00

Premium \$620.00

Date of Policy: February 25, 2002 at 3:38 pm

1. Name of Insured:

Albert E. Smith and Martha E. Smith

2. The estate or interest in the land which is covered by this policy is:

FEE SIMPLE

3. Title to the estate or interest in the land is vested in:

Albert E. Smith and Martha E. Smith, husband and wife

4. The land referred to in this policy is described as follows:

**In the AMENDED PLAT OF COUNTRY ESTATES SUBDIVISION, as per Plat in Book 3,
Page 22, Plat Records, Payette County, Idaho:**

**In Block 2: Lot 10, SAVE AND EXCEPTING the North 25 feet and the East 28 feet
thereof; and Lot 8.**

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SCHEDULE B

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

PART I

SECTION 1

- 1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.**
- 2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.**
- 3. Easements, claims or easement or encumbrances which are not shown by the public records.**
- 4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.**
- 5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water whether or not the matters excepted under (a), (b), or (c) are shown by the public records.**
- 6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.**

SECTION 2

- 7. Taxes for 2002 are an accruing lien not yet due and payable.**

CONTINUED

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NOV 25 2003

EXCEPTIONS FROM COVERAGE CONTINUED

- 8. Regulations of Farmers Co-operative Irrigation Co. Ltd., within which the above property lies, or all other Irrigation district, laterals that the above property lies, including levies, assessments, water and irrigation rights and easement for ditches and canals as provided by law.**
- 9. Right-of-way granted Lewis Lateral Co. Ltd., recorded in Book K of Deeds at Page 162, Deeds Records, Payette County, Idaho.**
- 10. An Easement over said land in favor of Idaho Power Company for pole lines and incidental purposes as set forth in an instrument recorded October 9, 1947 in Book 4 of Miscellaneous at Page 255, Official Records.**
- 11. An Easement over said land in favor of Lewis Lateral Company, Ltd., for the purposes of maintaining and operating an irrigation canal or pipeline and incidental purposes within the right-of-way limits of certain County roads adjacent to said property by an instrument recorded March 8, 1955 in Book 4 of Bonds and Agreements at Page 618, Official Records.**
- 12. Covenants, conditions and restrictions in an instrument recorded April 3, 1964 as Instrument No. 120051, Official Records. Amended by agreement recorded November 6, 1966 by Instrument No. 125781, Official Records.**
- 13. Easements, reservations, restrictions and dedications, if any, as shown on the official plat of said Subdivision**

MICHAEL

NOV 26 2003

COUNTRY ESTATES SUBDIVISION

A Portion of Government Lot 8 S&E&W

Section 14, Township 8 North, Range 5 West,

Boise Meridian

CURVE TABLE

Curve	Angle	Radius	Length	Area	Chord
C-1	89° 55'	6	3.31	9.34	9.34
C-2	89° 55'	6	3.31	9.34	9.34
C-3	89° 55'	6	3.31	9.34	9.34
C-4	89° 55'	6	3.31	9.34	9.34
C-5	89° 55'	6	3.31	9.34	9.34
C-6	89° 55'	6	3.31	9.34	9.34
C-7	89° 55'	6	3.31	9.34	9.34
C-8	89° 55'	6	3.31	9.34	9.34
C-9	89° 55'	6	3.31	9.34	9.34
C-10	89° 55'	6	3.31	9.34	9.34

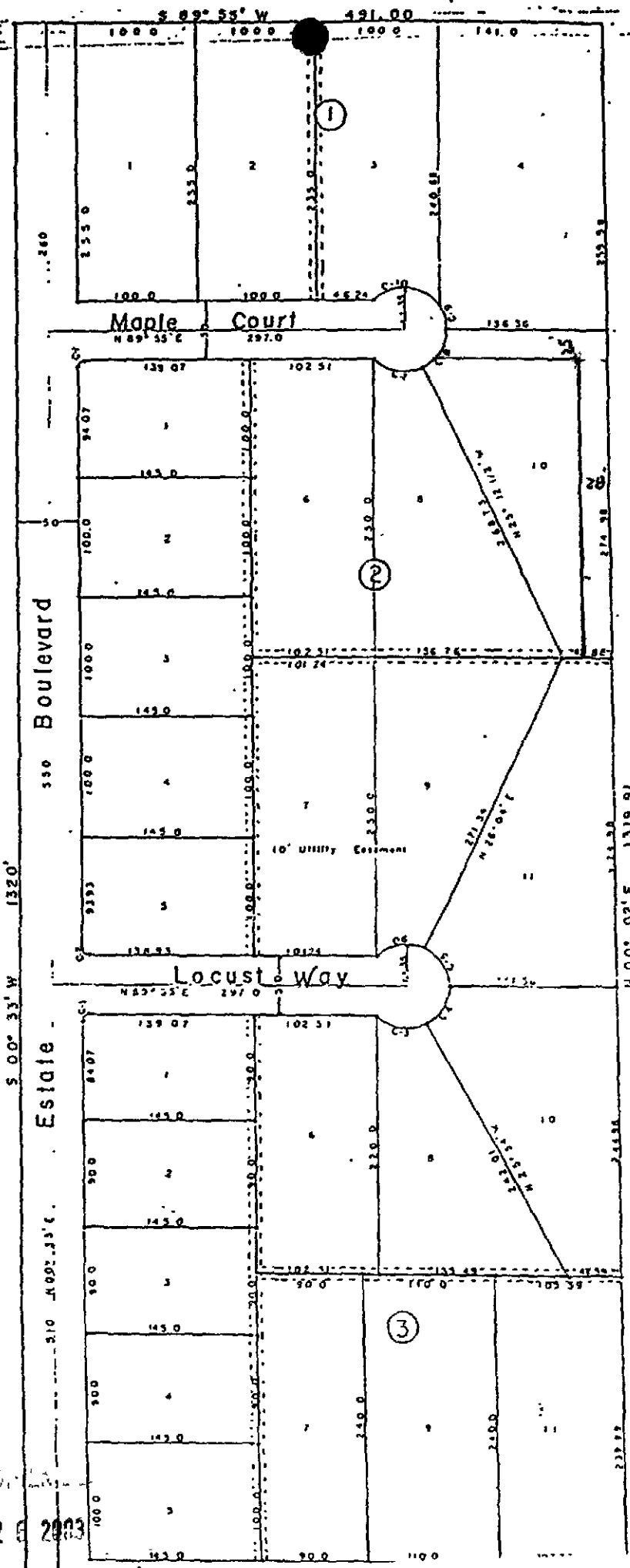
Scale: 1" = 60'



1/4 Corner

MICRO

NOV 28 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 SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 65-08996

NAME AND ADDRESS: DAISY FRANEK
FRANK FRANEK
2139 MAPLE CT
FRUITLAND, ID 83619

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS
1.20 AFY

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

PRIORITY DATE: 07/17/1974

POINT OF DIVERSION: T08N R05W S14 SWSWS Within Payette County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS 1.20 AFY

PLACE OF USE: Domestic Within Payette County
T08N R05W S14 SWSWS

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.

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.


Daniel C. Hurlbutt, JR.
Presiding Judge
Snake River Basin Adjudication

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NOV 25 2003



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

November 20, 2003

ALBERT E SMITH
MARTHA E SMITH
2139 MAPLE CT
FRUITLAND ID 83619

RE: Change of Ownership for Water Right 65-8996

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. Also enclosed is a receipt for the \$25.00 filing fee.

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

Enclosures

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