

No Color
Documents
In File

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

MAR 29 2004

Department of Water Resources

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
~~65-1882~~	DELETED PER PHONE AUTHORIZATION BY DICK SMITH KLT-12-9-04		65-1878		
65-1879					
65-1883					
65-1914					

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)

Elmer & Franklin Nisula
PO Box 444 Emmett, ID 83617

4. New Owner/Claimant(s)

Sawyer/Smith LLC
Name Connector (Check one) ☒ and, ☐ or, ☐ and/or

New Mailing Address

3333 W. Central Ave

City, State and ZIP Code

Emmett, ID 83617

New Telephone Number

(208) 365-0692

5. Date you acquired the property

3-18-04

SUPPORT DATA

IN FILE # 65-1878

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) Richard D. Smith
(include title if applicable) manager

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>SD</u>	Date <u>3/29/04</u>	Fee <u>\$125</u>
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

WARRANTY DEED

COPY

FOR VALUE RECEIVED, ETHEL^{M.} NISULA, a widow, aka Ethyl Nisula being one and the same person, selling as a single person and as Personal Representative of the estate of her husband, Frank Nisula, deceased, the Grantor(s), hereby grant, bargain, sell and convey unto:

SAWYER-SMITH, an L.L.C.,

the Grantee(s), whose current address is: 3333 W Central Rd, Burgett, Id
the following described premises, being situated in Gem County, Idaho, to-wit: 83617

That property described as follows:

Parcel 1:

The West half of the Southwest quarter West of the County Road and the Southwest quarter of the Northwest quarter West of the County Road in Section 14, Township 7 North, Range 1 West, Boise Meridian, Gem County, Idaho. PR

Parcel 2:

The Southeast quarter and the South half of the Northeast quarter, and the East half of the Southwest quarter and the Northwest quarter of the Southwest quarter and the South half of the Northwest quarter, all in Section 15, Township 7 North, Range 1 West, Boise Meridian, Gem County, Idaho;

Parcel 3:

The Northwest quarter of the Northeast quarter and the Northeast quarter of the Northwest quarter in Section 22, Township 7 North, Range 1 West, Boise Meridian, Gem County, Idaho.

Tax Parcel Number: RP00423000 and RP00423100 and RP00423200.

Including ditch and road rights of way.

Including all water, mineral, grazing and ditch rights appurtenant thereto or used in connection therewith, and including any easements or rights of ways appurtenant to or used for the benefit of said described premises. All appurtenances thereto except personal property of Seller.

Subject to easements, rights of ways, reservations and exceptions, if any.

Sale includes, as stated, all mineral rights, water rights, and grazing rights,

appurtenant to said described land, and consists of about 615 acres.

THE BUYER HAS investigated or inquired of water rights, ditch rights and easements that may be included in this conveyance or sale, and is satisfied with those rights, if any, and purchases the property "As Is" without further covenants about water, ditches and easements on the part of Grantor(s)/Seller(s).

SAID PROPERTY IS conveyed "As Is" under existing boundary fences, if any, after reasonable inspection by the Grantee(s), and Grantor(s) does not make any representations or warranties except warranty of good and marketable title

TO HAVE AND TO HOLD, the said premises, with their appurtenances, unto the said Grantee(s), their heirs or assigns forever. And the said Grantor(s) do hereby covenant to and with the said Grantee(s) that they are the owners in fee simple of said premises; that they are free from all encumbrances, except as may be otherwise agreed, and they will warrant and defend the same from all lawful claims whatsoever.

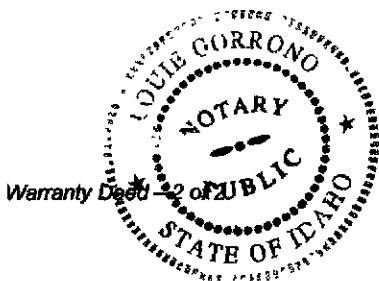
DATED THIS 18th day of March 2004.

Ethel Nisula
Ethel Nisula, a single person, and as
Personal Representative of the Estate of
Frank Nisula, deceased

STATE OF IDAHO)
) ss.
County of Gem)

ON THIS 18th day of March 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared ETHEL NISULA, aka Ethyl Nisula being one and the same person, a widow selling as a single person and as Personal Representative of the estate of her husband, Frank Nisula, deceased, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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



Louie Gorrono
Louie Gorrono
Residing in Emmett, Idaho
Notary Public for the State of Idaho
Commission Expires 2009



ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

FILED EFFECTIVE

(Instructions on back of application)

MAR 17 PM 1:01

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:

Sawyer/Smith L.L.C.

2. The street address of the initial registered office is:

3333 West Central Rd. Emmett, Idaho 83617

and the name of the initial registered agent at the above address is:

Richard D. Smith

3. The mailing address for future correspondence is:

3333 West Central Rd. Emmett, Idaho 83617

4. Management of the limited liability company will be vested in:

Manager(s) ☒ or Member(s) ☐ (please check the appropriate box)

5. If management is to be vested in one or more manager(s), list the name(s) and address(es) or at least one initial manager. If management is to be vested in the member(s), list the name(s) and address(es) of at least one initial member.

Name	Address
<u>Jon C. Sawyer</u>	<u>26984 Hickory Blvd. Bonita Springs</u> <u>Florida, 34134</u>
<u>Kimberly Sawyer</u>	<u>Same</u>
<u>Richard D. Smith</u>	<u>3333 W. Central Rd. Emmett, Id. 83617</u>
<u>Holly B. Smith</u>	<u>Same</u>
_____	_____
_____	_____

6. Signature of at least one person responsible for forming the limited liability company:

Signature: _____

Typed Name: _____

Capacity: _____

Signature Richard D. Smith

Typed Name: Richard D. Smith

Capacity: Manager

Secretary of State use only

IDAHO SECRETARY OF STATE
03/17/2004 05:00
CK: 1071 CT: 176684 BH: 733672
1 @ 100.00 = 100.00 ORGAN LLC # 2
1 @ 20.00 = 20.00 EXPEDITE C # 3

or comp form LLC form for organization p65
Revised 07/2002

W 29283

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 65-01878

NAME AND ADDRESS: ELMER J NISULA
FRANKLIN S NISULA
PO BOX 444
EMMETT, ID 83617

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: 07/01/1910

POINT OF DIVERSION: T07N R01W S15 SESW Within Gem 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 Gem County
T07N R01W S15 SESW

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

December 9, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

SAWYER - SMITH LLC
3333 W CENTRAL AVE
EMMETT ID 83617

RE: Change of Ownership for Water Rights 65-1878, 65-1879, 65-1883 & 65-1914

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights 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,

A handwritten signature in black ink, appearing to read 'Jeff Peppersack', is written over a horizontal line.

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klm
Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

November 2, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

SAWYER-SMITH LLC
3333 W CENTRAL AVE
EMMETT ID 83617

RE: Change in Ownership for Water Right No. 65-1882

Dear Mr. Smith:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

X **Evidence of Water Right Ownership:** The legal description on the Warranty Deed you provided to our office did not cover the land shown in our records for Water Right No. 65-1882. Enclosed please find a copy of the Partial Decree for the above Water Right, with the legal description highlighted in yellow. Please provide sufficient evidence that you own that particular piece of property so we can process the ownership changes.

X **Legal Description of Property** for Water Right No. 65-1882.

Because the Department cannot process the ownership change without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days we will return your notice and all attachments and your notice will not be processed.

If you have any questions regarding this matter, please call Kari Lynn Townsend at 208-287-4952.

Sincerely,

Kandice McDermott
Records Analyst

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 25, 2004

SAWYER-SMITH LLC
3333 W CENTRAL AVE
EMMETT ID 83617

RE: Change in Ownership for Water Right No. 65-1882

Dear Mr. Smith:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below.

X **Evidence of Water Right Ownership.** copy of Warranty Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question

X **Legal Description of Property**

Because the Department cannot process the ownership change without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days we will return your notice and all attachments and your notice will not be processed. Ownership changes on all Water Rights submitted will be made upon receipt of the necessary documents.

Please note that water right owners are required to report any change in water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage (<http://www.idwr.state.id.us>) on the Internet to obtain the proper forms and instructions.

If you have any questions regarding this matter, please call Kari Lynn Townsend at 208-287-4952.

Sincerely,

Kandice McDermott
Records Analyst

/km