



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.

January 10, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

MOUNTAIN SPRINGS RANCH LLC
5550 BARTON FLAT RD
MACKAY ID 83251

RE: Change of Ownership for Water Right 34-439A

Dear Water Right Holder(s):

Our letter of December 9, 2004 (copy enclosed) requesting the required support data for the above referenced ownership change remains unanswered. Therefore, I am returning the ownership change request. A copy of your ownership change information will be kept in our files for reference.

If, at a later date, you wish to reinstate this request you may send the enclosed ownership change request form along with the required support data we will be happy to complete the request for you.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Kandice L. McDermott', is written over a horizontal line.

Kandice L. McDermott
Records Analyst

/klm
enclosures

RECEIVED

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

JUN 07 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 is 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
34-439A *			34-4398	invalid #	
~~34-439A V1~~ DUPLICATE OF *			34-10597		
34-439B V1			34-10699		
34-10595					
34-10777					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEES**. 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 RANCHES INC. PO BOX 106. DARLINGTON, ID 83231
4. New Owner/Claimant(s) MOUNTAIN SPRINGS RANCH LLC, an Idaho limited liability company.
Name Connector (Check one): [] and [] or, [] and/or
- New Mailing Address 5550 Barton Flat
- City, State and ZIP Code Mackay, Idaho 83251
- New Telephone Number (208) 588-3110
5. Date you acquired the property _____

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)

Mary K. Goff

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 <i>[Signature]</i>	Date <i>6-7-04</i>	Fee <i>\$200.00</i>		
Received by <i>[Signature]</i>	Date <i>6-7-04</i>	Receipt No. <i>CO-74131</i>		
Processed by _____	Date _____	WR _____	Date _____	

229193
Custer County Reg. of
Blaine County Title
Time 3:30 PM Date 5/18/2004
Ethel M. Peck, Clerk
Lucy Balle \$6⁰⁰
Deputy

NO. 0040707
RECORDED
MAY 18 2004
AM 1:20 PM
BUTTE COUNTY RECORDER
Kenneth Smith



CORPORATION WARRANTY DEED

SMITH RANCHES, INC., an Idaho corporation, a corporation
organized and existing under the laws of the State of Idaho, with its principal office at
4473 ANTELOPE ROAD, MOORE ID 83255
grantor, hereby CONVEYS or GRANTS and WARRANTS TO MOUNTAIN SPRINGS RANCH LLC,
an Idaho limited liability company, grantee
whose current address is: 11100 W. FALLERON ROAD, FORELAND OR 97008
5550 Barton Flat Road, Mackay, Idaho 83251
the following described premises, to-wit:
SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE
INCORPORATED HEREIN.

Parcel Number:

SUBJECT TO: Current General Taxes, a lien in the process of assessment, not yet due or payable.
Easements, restrictions, reservations, provisions of record, and assessments, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs
and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the
owner in fee simple of said premises; that said premises are free from all encumbrances and that he will warrant
and defend the same from all lawful claims whatsoever.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was
duly authorized under a resolution duly adopted by the board of directors of the Grantor at a lawful meeting duly
held and attended by a quorum.

In witness whereof, the Grantor has caused its corporate name and seal to be hereunto affixed by its duly
authorized officers dated: May 14, 2004

SMITH RANCHES, INC., an Idaho
corporation

By Harold E. Smith Pres
HAROLD E. SMITH, Jr. President
Attest: Kenneth E. Smith Sec
KRICKEIT E. SMITH Secretary

State of Idaho

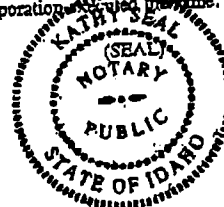
County of Blaine

On this 15 day of MAY, 2004, before me, the
undersigned, a Notary Public, in and for said State, personally appeared HAROLD E. SMITH and
KRICKEIT E. SMITH

known to me, and/or identified to me on the basis of
satisfactory evidence, to be the President/Secretary of the corporation that executed
the instrument and that the foregoing instrument was signed on behalf of said corporation by authority of a
resolution of its board of directors and acknowledged to me that such corporation executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

Notary Public
Residing at: Ketchikan
Commission Expires: 7.9.2005



807115
Township 4 North, Range 24 East, Boise Meridian, Butte County, Idaho

Section 9: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 10: SW $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$ lying within Butte County, Idaho; SW $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPT Antelope Road.

Section 15: NW $\frac{1}{4}$, EXCEPT Antelope Road.

Section 16: N $\frac{1}{4}$, EXCEPT Antelope Road, ALSO EXCEPT Commencing at the NW corner of said Section 16, which is marked by a stone at the southside of a wood fence corner post, and which also lies S. 89°48'07" W. a distance of 2,643.60 feet along an existing fence from a $\frac{1}{2}$ inch diameter rebar marking the N $\frac{1}{4}$ corner of said Section 16, thence S. a distance of 2,177.16 feet along the W. boundary line of Section 16, which is also an existing fence to an iron pin, being the REAL POINT OF BEGINNING; thence N. 82°09'35" E. a distance of 3,674.98 feet to an iron pin; thence N. 78°34'58" E. a distance of 1,679.17 feet to an iron pin; thence S. 560 feet to an iron pin; thence S. 82°09'35" W. a distance of 5,336.45 feet to an iron pin on the westerly boundary line of said Section 16; thence N. 454.25 feet along the westerly boundary line of said Section 16 to the REAL POINT OF BEGINNING.

Township 4 North, Range 24 East, Boise Meridian, Custer County, Idaho

Section 10: All that portion of the S $\frac{1}{2}$ NW $\frac{1}{4}$ lying within Custer County, Idaho.