STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 87651

This is to certify that: STEVE SMITH
5872 NORTH US HIGHWY 93
MACKAY, ID 83251

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
34-10674	WR/DECREED	7/5/1928	0.060 cfs	N/A	N/A	N/A	UNNAMED STREAM

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
34-10674	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
34-10674	34-10674	0.060 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**0.060 cfs**	**N/A**	**N/A**	**N/A**		**N/A**	**N/A**	**N/A**	**N/A**

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 11th day of May, 2023.

Regional Manager

SCANNED
MAY 12 2023

WATER RIGHT NO. 34-10674

As Modified by Transfer No. 87651

In accordance with the approval of Transfer No. 87651, Water Right No. 34-10674 is now described as follows:

Right Holder: SMITHS MT BORAH RANCH LP
5872 N US HIGHWAY 93
MACKAY, ID 83251-4404

Priority Date: 7/5/1928

Source: UNNAMED STREAM **Tributary:** ARENTSON GULCH CREEK

BENEFICIAL USE	From		To	Diversion Rate
STOCKWATER	9/15	to	6/10	0.060 cfs
				0.060 cfs

LOCATION OF POINT(S) OF DIVERSION

UNNAMED STREAM NESE Sec 36 Twp 11N Rge 21E CUSTER County

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10N	21E	2													X	X	X	X	
10N	21E	11	X	X	X	X	X			X									

CONDITIONS OF APPROVAL

1. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. Stockwater use is for 300 range cattle.
4. The quantity of water decreed for this water right is not a determination of historical beneficial use.
5. The quantity of water under this right shall not exceed 13,000 gallons per day.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 87651

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WATER RIGHT NO. 34-10674

As Modified by Transfer No. 87651

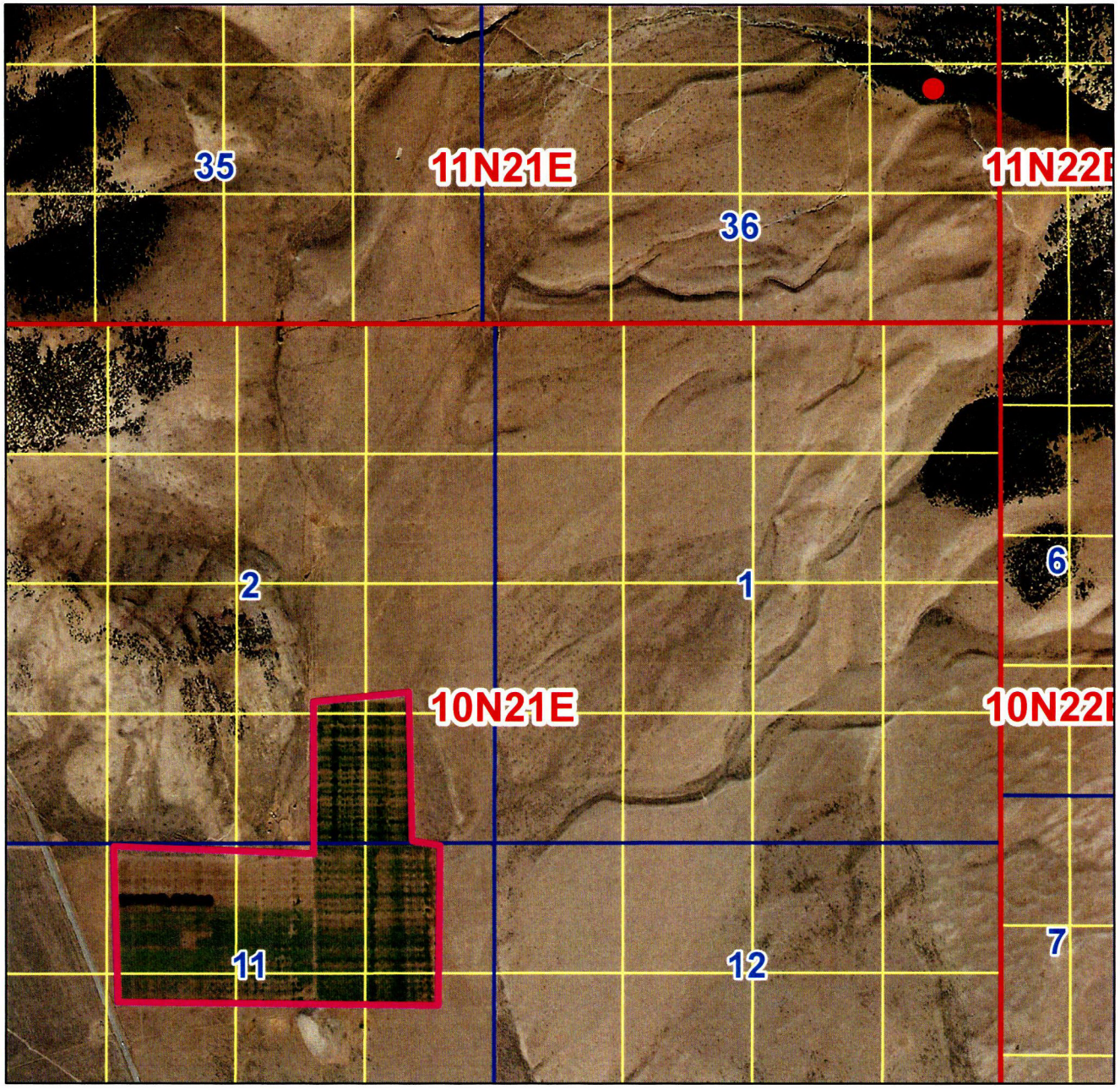
CONDITIONS OF APPROVAL

8. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

SCANNED
MAY 12 2023

Attachment to Transfer Approval 87651

This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- WR POD
- WR POU
- Township/Range
- Sections
- QQ

0 750 1,500 3,000 Feet

N
W E
S

Date: 5/11/2023

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MAY 12 2023

Rev. 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant(s) Steve U. Smith Phone 208-588-2218

Mailing address 5872 N. US Hwy 93 Email cahoullerc@gmail.com

☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.

☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.

☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.

☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

RECEIVED
MAR 16 2023
Department of Water Resources
Eastern Region

☐ Send all correspondence for this application to the representative and not to the applicant.
OR
☐ Send original correspondence to the applicant and copies to the representative.

☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Steve U. Smith — Co-owner — 3-16-2023
Signature of Applicant or Authorized Representative | Print Name and Title if applicable | Date

_____ — _____ — _____
Signature of Applicant or Authorized Representative | Print Name and Title if applicable | Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
   ☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
   If yes, ☐ attach an explanation and any supporting documentation labeled as **Part1A.2**.

3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.

Everything west of Highway 93 is no longer authorized under this right per included document, Instrument No. 234477. Additionally, the portion of the right decreed on the BLM ground in the S1/2 of the SW1/4 of Section 2 was in error and should be moved to our land.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. All or Part	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☑ ☐	34-10674	0.06	Stockwater	9/15 to 6/10	Unnamed Stream
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.06 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.06 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

☑ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	21E	2													X	X	X	X	
		11	X	X	X	X	X			X									

Total Acres (for irrigation use)

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DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Pipeline to troughs

b. Who owns the property at the point(s) of diversion? _____

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

Historical diversion point that is not changing.

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Unnecessary

g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

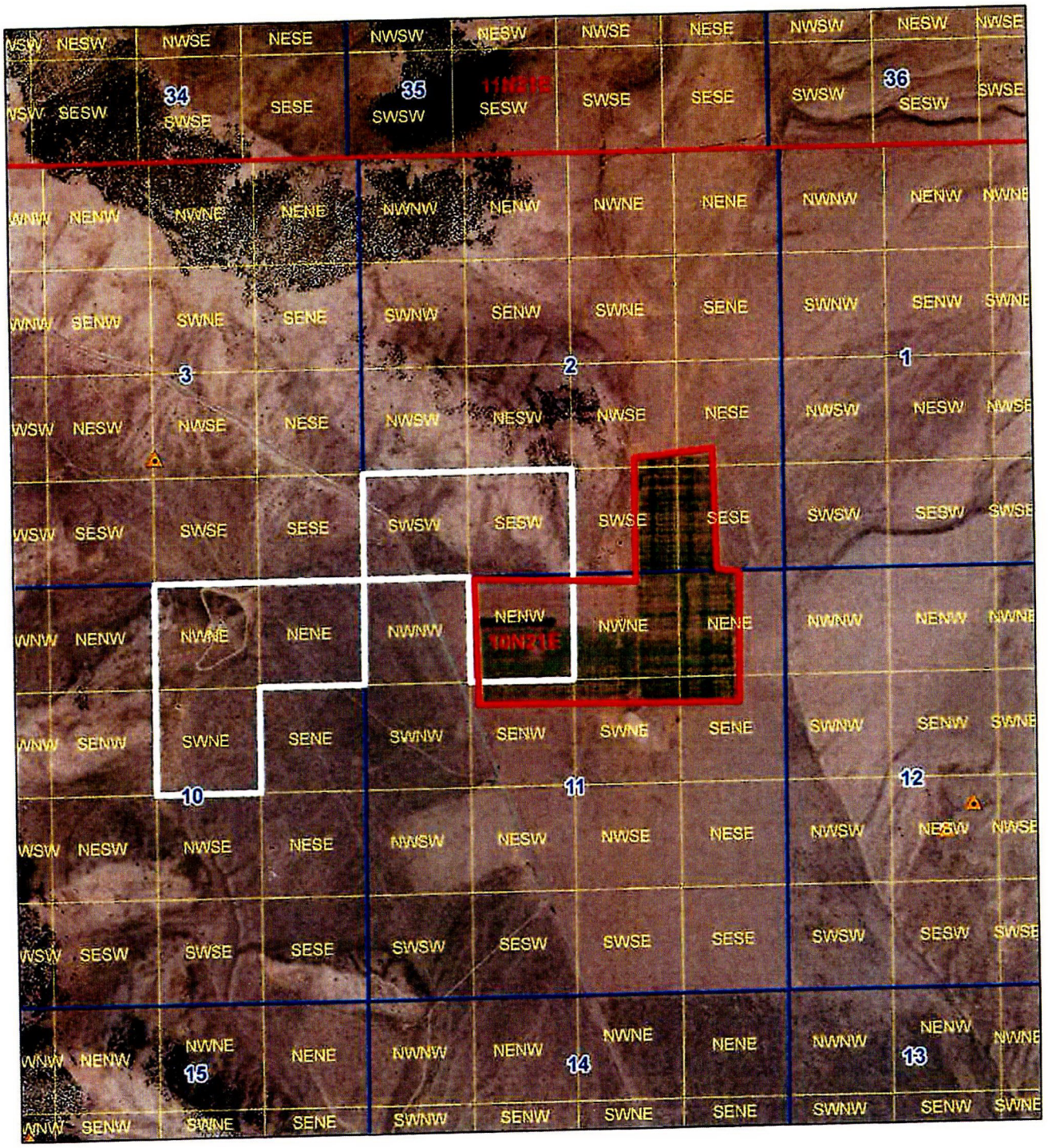
- ☐ ☑ undergone a period of five or more consecutive years of non-use,
- ☐ ☑ currently leased to the Water Supply Bank,
- ☐ ☑ currently used in a mitigation plan limiting the use of water under the right, or
- ☐ ☐ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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Smith Stockwater Transfer



Legend

- Pre-Transfer Place of Use
- Township/Range
- Sections
- QQ

N
W E
S

0 0.3 0.6 1.2 Miles

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IDAHO DEPARTMENT OF WATER RESOURCES 3/16/2023

Proof Report

Water Right 34-10674

Owner Type	**Name and Address**
Current Owner	WILEY F SMITH STAR RT 5872 HWY 93 MACKAY, ID 83251 (208) 588-2218

Priority Date: 7/5/1928
Basis: Decreed
Status: Active

Source
UNNAMED STREAM

Tributary
ARENTSON GULCH CREEK

Beneficial Use	**From**	**To**	**Diversion Rate**	**Volume**
STOCKWATER	9/15	6/10	0.060 CFS	
		Total Diversion	0.060 CFS	

Source and Point(s) of Diversion:
UNNAMED STREAM NESE Sec. 36, Twp 11N, Rge 21E, CUSTER County

Place Of Use:
STOCKWATER within CUSTER County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10N	21E	2											X	X					
10N	21E	10	X	X	X														
10N	21E	11					X												

Conditions of Approval:

1.		USE OF THIS WATER RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2.	N11	THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3.		RIGHT NO. 34-04005 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. STOCKWATER, 300 HEAD RANGE.

Dates and Other Information:
Decreed Date: 9/18/1996
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S

34-10674

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b.**

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid 200.00 Date 3-16-23 Receipted by M. Pettis Receipt # E048986

Add'l fee paid _____ Date _____ Receipted by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

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234477
Custer County Rec'd at RIGBY THATCHER ANDRUS
Time 11:20 A M Date 7/19 20 06
Ethel M. Peck, Clerk
Deputy Nikki Brunker $ 36.00

MUTUAL RELEASE, TERMINATION OF LEASE AND DISMISSAL OF LEGAL ACTION

This mutual release agreement made this 17th day of July, 2006, by and between **Wiley F. Smith**, individually and as Trustee of the Wiley F. Smith Family Trust, of City of Mackay, Custer County, State of Idaho ("Lessor"), and **Ben Howard**, of City of Challis, Custer County, State of Idaho ("Lessee").

WITNESSETH:

WHEREAS, Lessor is the lessor under that certain Lease of Water dated July 5, 1928 by and between J. W. Jarvis of Dickey, Custer County, Idaho, party of the first part, and O. H. Zimmerman of the same place, party of the second part, a copy of which is attached hereto; and

WHEREAS, Lessee is the lessee under said Lease of Water dated July 5, 1928, attached hereto; and

WHEREAS, Lessor and Lessee are also the lessor and lessee, respectively, under that certain Supplemental Lease of Water dated February 28, 1934, by and between J. W. Jarvis of Dickey, Idaho, the party of the first part, and R. W. Philps of Challis, Custer County, Idaho, the party of the second part, a copy of which is attached hereto and made a part hereof; and

WHEREAS, numerous disputes and differences have arisen between Lessor and Lessee as to the respective rights of the parties under the Lease of Water and Supplemental Lease of Water above referred to, and it is in the best interest of the parties to settle all claims of one against the other with respect to the Lease and Supplemental Lease, and to terminate said Leases

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in all respects; and

WHEREAS, there is now pending in the District Court of the Seventh Judicial District of the State of Idaho, In and For Custer County, Magistrate Division, Civil Case No. CV-2005-155, wherein Ben Howard is the plaintiff and Wiley F. Smith is the defendant, in which the above-referred to Leases are the subject matter of said legal action and it is in the best interests of the parties to settle all claims set forth in said legal action.

NOW, THEREFORE, in consideration of the sum of Three Thousand Dollars ($3,000.00) paid by Lessor to Lessee, the receipt of which is hereby acknowledged by Lessee, Lessor and Lessee declare that all obligations and duties of one to the other under the Lease are hereby terminated as of the date of this instrument, and Lessor and Lessee, their heirs, legal representatives and assigns, release one to the other, their heirs and legal representatives from all claims, demands and causes of action that one may have had, has or may have against the other or against the heirs or legal representatives of either of the parties to this agreement based on the Lease.

In consideration of the termination and release set forth above, Lessee surrenders all rights in and to the said Leases of water, and Lessor shall be entitled to retake possession of the water described under said Lease immediately on execution of this agreement, and shall be relieved from further duties and obligations under the above-mentioned Lease of Water and Supplemental Lease of Water.

Lessor and Lessee further mutually agree to dismiss the above-described legal action, with prejudice, with each of the parties to bear their own costs and attorney fees.

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IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.

APPROVED BY:

Gregory W. Moeller,
Attorney for Smith

Wiley F. Smith, Individually and
as Trustee of the Wiley F. Smith Family Trust

Daniel A. Nevala,
Attorney for Howard

Ben Howard

STATE OF IDAHO)
) ss.
County of Minidoka)

On this 17th day of July, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Wiley F. Smith, individually and as Trustee of the Wiley F. Smith Family Trust, and Ben Howard, known 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 affixed my official seal, the day and year in this certificate first above written.

Notary Public for Idaho
Residing at Rupert, Idaho
My Commission expires: 10/30/2006

(SEAL) ROGER D. LING
NOTARY PUBLIC
STATE OF IDAHO

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APR 12 2023

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LEASE OF WATER

THIS AGREEMENT, Made and entered into this 5th day of July, 1928, by and between J. W. Jarvis of Dickey, Custer County, Idaho, party of the first part, and O. H. Zimmerman of the same place, party of the second part; WITNESSETH:

That the said first party, for and in consideration of the sum of Twenty-five Dollars ($25.00) to him paid by second party, the receipt of which is hereby acknowledged, and for the additional annual rental of Twenty-five Dollars ($25.00) to be paid by second party, agrees, that he will furnish to the said second party 1½ miners inches (0.06 cfs) of water, for a term of ninety-nine (99) years, through his ditch or ditches from the un-named stream which heads near Section 36, Twp. 10 N., R. 21 E. B. M. Custer County, Idaho, whenever there is sufficient water in said stream to furnish the same, and can be conveyed through said ditch or ditches. The point of diversion for said water is to be about 360 feet South from the NE corner of first parties desert Land Entry, Section 11, Twp. 10 N. R. 21 E., B. M. and said water is to be measured, at said point of diversion, over a Cippoletti weir and is to be regulated by a lock-box.

And it is especially agreed to, by and between the parties hereto, that said annual rent is paid up to May 1st, 1929, and that the fiscal year shall be from May 1st to May 1st thereafter, that said annual rent of Twenty-five Dollars ($25.00)

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shall be paid in advance each year. Upon the failure of the said party of the second part to pay said rental as aforesaid, forfeit and relinquish all claims and rights whatsoever, both against said first party and in and to the use of said water as hereinbefore stated.

IT IS FURTHER AGREED between the parties hereto that second party shall have the right to go upon and pass over the lands of the first party for the purpose of repairing his conduit.

It is still further agreed that the said party of the second part is to furnish the material and materials for the construction of the lock-box and weir and to install the same.

All other agreements heretofore had between the parties hereto are hereby vacated, set aside and are void.

THIS AGREEMENT is binding upon the heirs, executors, administrators and assigns of the parties hereto.

IN WITNESS WHEREOF, First and Second parties have hereto set their hands and seals the day and year above written.

J. W. Jarvis
Party of the first part.

O. H. Zimmerman
Party of the second part.

STATE OF IDAHO)
) ss.
County of Custer)

On this 5th day of July, 1928, before me, Merle L. Drake,

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a Notary Public, personally appeared John W. Jarvis and O. H. Zimmerman, known 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 affixed my official seal the day and year first above written.

Merle L. Drake
Notary Public
Residing at Challis, Idaho.

((SEAL))

STATE OF IDAHO)
) ss.
County of Custer)

This instrument was filed for record at the request of O. H. Zimmerman at 10:20 o'clock A. M. Mar. 23, 1929.

Emmett Donahue
Ex-Officio Recorder

By John Boyd
Deputy

Fees, $1.00

(Recorded in Book A of Leases, at page 297.)

87651

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LEASE OF WATER

THIS AGREEMENT, Made and entered into this 5th day of July, 1928, by and between J. W. Jarvis of Dickey, Custer County, Idaho, party of the first part, and O. H. Zimmerman of the same place, party of the second part, WITNESSETH:

That the said first party, for and in consideration of the sum of Twenty-five Dollars ($25.00) to him paid by second party, the receipt of which is hereby acknowledged, and for the additional annual rental of Twenty-five Dollars ($25.00) to be paid by second party, agrees, that he will furnish to the said second party 1½ miners inches of water, for a term of ninety-nine (99) years, through his ditch or ditches from the un-named stream which heads near Section 36, Twp. 10 N., R. 21 E., B. M. Custer County, Idaho, whenever there is sufficient water in said stream to furnish the same, and can be conveyed through said ditch or ditches. The point of diversion for said water is to be about 360 feet South from the NE corner of first parties desert Land Entry, Section 11, Twp. 10 N., R. 21 E., B. M. and saidwater is to be measured, at said point of diversion, over a Cippoletti weir and is to be regulated by a lock-box.

And it is especially agreed to, by and between the parties hereto, that said annual rent is paid up to May 1st, 1929, and that the fiscal year shall be from May 1st to May 1st thereafter; that said annual rent of Twenty-five Dollars ($25.00)

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Form 42-248/42-1409(6) Rev. 9-22

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Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "*Yes*" in the "*Split?*" column. If the water right is leased to the Water Supply Bank, check "*Yes*". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
34-4005A OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
34-4005B OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
34-10674 ?	Yes ☐	Yes ☐		Yes ☐	Yes ☐
data enter	Yes ☐	Yes ☐		Yes ☐	Yes ☐
in transfer	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Wiley Smith and Carolyn Smith
   Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Smith's Mt. Borah Ranch LP
   New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or

   5872 N US Hwy 93 — Mackay — ID — 83251
   Mailing address — City — State — Zip

   (208) 588-2218, 208-833-1218 (cell) — wileys@atcnet.net
   Telephone — Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
   ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
   ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: 2011.

6. Do you own the land identified as the water right place of use? Yes ☑ No ☐
   - If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.

7. This form must be signed and submitted with the following **REQUIRED** items:
   ☑ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
   ☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
   ☑ Filing fee (see instructions for further explanation):
   - $25 per *undivided* water right.
   - $100 per *split* water right.
   - No fee is required for pending adjudication claims.

   ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
   ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Carolyn Smith — Signature of new owner/claimant
   co-owner — Title, if applicable
   03/02/2023 — Date
   Print name

   Signature: — Signature of new owner/claimant
   Title, if applicable
   Date
   Print name

$75.- for this app.

For IDWR Office Use Only:

Receipted by LH Date 3/2/2023 Receipt No. E048942 Receipt Amt. $300.-
Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
Name on W-9 Approved by Processed by Date

87651

SCANNED
APR 12 2023

243691
Custer County Req. of
Martin & Eskelson PLLC
Time 11:20 AM Date 2-8-2011
Barbara C. Tierney, Clerk
Deputy $16.00

CORRECTION QUITCLAIM DEED
(WITH AFTER ACQUIRED PROVISION)

This deed is being recorded to correct the legal description set forth in that Quitclaim Deed recorded in the records of Custer County, Idaho, on January 13, 2011, as Instrument No. 243552.

THIS INDENTURE, made this 11th day of November, 2010, by Wiley F. Smith and Marjorie Carolyn N. Smith, not individually, but as trustees of **The Wiley F. Smith Family Trust**, as restated September 17, 2009, the "Grantor," and **SMITH'S MT. BORAH RANCH LP**, an Idaho limited partnership, whose mailing address is 5872 Highway 93, Mackay, Idaho 83251, the "Grantee".

W I T N E S S E T H:

That the Grantor, for and in consideration of the sum of Ten and No/100 Dollars ($10.00) lawful money of the United States of America and other good and valuable consideration to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever quitclaim unto the Grantee, and to Grantee's heirs and assigns forever, a ninety-eight percent (98%) undivided interest in all the following described real estate in the County of Custer, State of Idaho, to-wit:

Township 9 North, Range 21, E.B.M.
Section 12: NE1/4NE1/4, SE1/4NE1/4, NE1/4SE1/4

Township 9 North, Range 22, E.B.M.
Section 5: SW4NW4, SW4
Section 6: All of the SE4SW4 except highway, SW4SE4, SE4SE4
Section 7: Lot 1, all of the NE4NW4 except highway, N2NW4NE4, N2S2NW4NE4, NE4NE4, Lot 4, E2SW4, SW4SE4, SE4NE4, all of the SE4NW4 except highway, all of the N2SE4, SE4SE4 except highway, all of the S2S2NW4NE4 and SW4NE4 except highway, Lot 2

SCANNED
APR 12 2023

243691

Section 8: SW4NW4, NW4SW4, all of the SW4SW4 except highway, N2NW4
Section 17: Lot 2
Section 18: NE4NE4

Township 10 North, Range 21, E.B.M.
Section 2: E1/2
Section 11: NE1/4, N1/2SE1/4, SE1/4SE1/4, all that part of the NE4SW4 lying east of the State Highway, all that part of the SW4SE4 lying east of the State Highway, all that part of the NW4 lying North and East of the State Highway
Section 36: All

Township 11 North, Range 21, E.B.M.
Section 35: SE1/4

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom.

TO HAVE AND TO HOLD said premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument on the date set forth below.

THE WILEY F. SMITH FAMILY TRUST

By: Wiley F. Smith
Wiley F. Smith, Trustee

By: Marjorie Carolyn N. Smith
Marjorie Carolyn N. Smith, Trustee

SCANNED
APR 12 2023

STATE OF IDAHO)
) ss.
County of Bonneville)

On the 4 day of February, 2011, before me, the undersigned, a Notary Public, in and for the State of Idaho, personally appeared **Wiley F. Smith and Marjorie Carolyn N. Smith**, known or identified to me to be the persons whose names are subscribed to the within instrument as trustees of **THE WILEY F. SMITH FAMILY TRUST** and acknowledged to me that they executed the same as such trustees.

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

(seal) WENDY NENNI NOTARY PUBLIC STATE OF IDAHO

Wendy Nenni
Notary Public for Idaho
Residing at: Idaho Falls, ID
My commission expires: 10-06-2016

S:\Cheryl'sMyFiles\SEM-Clients\6099\SmithFamilyTrust\QCD-Corrected(Trust-SmithsMtBorahLP).wpd

87651

SCANNED
APR 12 2023

243690
Custer County Req. of
Martin & Eskelson PLLC
Time 11:20 AM Date 2-8, 2011
Barbara C. Tierney, Clerk
Deputy $16.00

CORRECTION QUITCLAIM DEED
(WITH AFTER ACQUIRED PROVISION)

This deed is being recorded to correct the legal description set forth in that Quitclaim Deed recorded in the records of Custer County, Idaho, on January 13, 2011, as Instrument No. 243551.

THIS INDENTURE, made this 11th day of November, 2010, by **MT. BORAH RANCH LLC**, an Idaho limited liability company, the "Grantor," and **SMITH'S MT. BORAH RANCH LP**, an Idaho limited partnership, whose mailing address is 5872 Highway 93, Mackay, Idaho 83251, the "Grantee."

W I T N E S S E T H:

That the Grantor, for and in consideration of the sum of Ten and No/100 Dollars ($10.00) lawful money of the United States of America and other good and valuable consideration to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever quitclaim unto the Grantee, and to Grantee's heirs and assigns forever, a two percent (2%) undivided interest in all the following described real estate in the County of Custer, State of Idaho, to-wit:

Township 9 North, Range 21, E.B.M.
Section 12: NE1/4NE1/4, SE1/4NE1/4, NE1/4SE1/4

Township 9 North, Range 22, E.B.M.
Section 5: SW4NW4, SW4
Section 6: All of the SE4SW4 except highway, SW4SE4, SE4SE4
Section 7: Lot 1, all of the NE4NW4 except highway, N2NW4NE4, N2S2NW4NE4, NE4NE4, Lot 4, E2SW4, SW4SE4, SE4NE4, all of the SE4NW4 except highway, all of the N2SE4, SE4SE4 except highway, all of the S2S2NW4NE4 and SW4NE4 except highway, Lot 2
Section 8: SW4NW4, NW4SW4, all of the SW4SW4 except highway, N2NW4
Section 17: Lot 2

SCANNED
APR 12 2023

243690

Section 18: NE4NE4

Township 10 North, Range 21, E.B.M.

Section 2: E1/2

Section 11: NE1/4, N1/2SE1/4, SE1/4SE1/4, all that part of the NE4SW4 lying east of the State Highway, all that part of the SW4SE4 lying east of the State Highway, all that part of the NW4 lying North and East of the State Highway

Section 36: All

Township 11 North, Range 21, E.B.M.

Section 35: SE1/4

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom.

TO HAVE AND TO HOLD said premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument on the date set forth below.

MT. BORAH RANCH LLC, an Idaho limited liability company

By: Wiley F. Smith
WILEY F. SMITH, Manager

SCANNED
APR 12 2023

243690

STATE OF IDAHO)
) ss.
County of Bonneville)

On the 4 day of February, 2011, before me, the undersigned, a Notary Public, in and for the State of Idaho, personally appeared **WILEY F. SMITH**, known or identified to me to be one of the Managers of **MT. BORAH RANCH LLC**, an Idaho limited liability company, and the Manager or one of the Managers who subscribed said company name to the foregoing instrument, and acknowledged to me that he executed the same in said company name.

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

Wendy Nenni

Notary Public for Idaho
Residing at Idaho Falls, Idaho
My commission expires: 10-06-16

(Seal) WENDY NENNI NOTARY PUBLIC STATE OF IDAHO

S:\Cheryl's My Files\SEM-Clients\6099\SmithFamilyTrust\QCD-Corrected(MtBorahLLC-Partnership).wpd

SCANNED
APR 12 2023

87651

Form 42-248/42-1409(6) Rev. 6/22

RECEIVED
MAR 02 2023
Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "*Yes*" in the "*Split?*" column. If the water right is leased to the Water Supply Bank, check "*Yes*". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
34-4005A OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
34-4005B OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
34-10674	Yes ☐	Yes ☐		Yes ☐	Yes ☐
data enter	Yes ☐	Yes ☐		Yes ☐	Yes ☐
in transfer	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Wiley Smith and Carolyn Smith
   Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Smith's Mt. Borah Ranch LP
   New owner(s) as listed on the conveyance document Name connector ☐ **and** ☐ **or**

   5872 N US Hwy 93 (Mailing address) | Mackay (City) | ID (State) | 83251 (Zip)

   (208) 588-2218, 208-833-1218 (cell) (Telephone) | wileys@atcnet.net (Email)

4. If the water rights and/or adjudication claims were split, how did the division occur?
   - ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
   - ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: 2011.

6. Do you own the land identified as the water right place of use? Yes ■ No ☐
   - If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.

7. This form must be signed and submitted with the following **REQUIRED** items:
   - ■ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
   - ☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
   - ■ Filing fee (see instructions for further explanation):
     - $25 per *undivided* water right.
     - $100 per *split* water right.
     - No fee is required for pending adjudication claims.
   - ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
   - ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Carolyn Smith (Signature of new owner/claimant) | co-owner (Title, if applicable) | 03/02/2023 (Date)

   Print name

   Signature: _____ (Signature of new owner/claimant) | _____ (Title, if applicable) | _____ (Date)

   Print name

$75.- for this app.

For IDWR Office Use Only:

Receipted by CH Date 3/2/2023 Receipt No. E048942 Receipt Amt. $300.-

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by JB Processed by JB Date 3/17/2023

Form 42-248/42-1409(6) Rev. 6/22

RECEIVED
MAR 02 2023
Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "*Yes*" in the "*Split?*" column. If the water right is leased to the Water Supply Bank, check "*Yes*". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
34-10654 OK	Yes ☐	Yes ☐	34-839 OK	Yes ☐	Yes ☐
34-10655 OK	Yes ☐	Yes ☐	34-2303 OK	Yes ☐	Yes ☐
34-834 OK	Yes ☐	Yes ☐	34-4039 OK	Yes ☐	Yes ☐
34-835 OK	Yes ☐	Yes ☐	34-10585 OK	Yes ☐	Yes ☐
34-836 OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Wiley Smith and Carolyn Smith
   Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Smith's Mt. Borah Ranch LP
   New owner(s) as listed on the conveyance document Name connector ☐ **and** ☐ **or**

   5872 N US Hwy 93 — Mailing address
   Mackay — City; ID — State; 83251 — Zip
   (208) 588-2218, 208-833-1218 (cell) — Telephone
   wileys@atcnet.net — Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
   ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
   ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: 2011.

6. Do you own the land identified as the water right place of use? Yes ■ No ☐
   - If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.

7. This form must be signed and submitted with the following **REQUIRED** items:
   ■ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
   ☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
   ■ Filing fee (see instructions for further explanation):
     - $25 per *undivided* water right.
     - $100 per *split* water right.
     - No fee is required for pending adjudication claims.

   SUPPORT DATA IN FILE # 34-834
   ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
   ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Carolyn Smith — Signature of new owner/claimant
   Co-owner — Title, if applicable
   03/22/2023 — Date
   Print name

   Signature: _____ — Signature of new owner/claimant
   _____ — Title, if applicable
   _____ — Date
   Print name

For IDWR Office Use Only:

$25.- for this app

Receipted by CH Date 3/2/23 Receipt No. E048942 Receipt Amt. $300.00

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by JB Processed by JB Date 3/17/2023

IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

May 11, 2023

STEVE SMITH
5872 NORTH US HIGHWY 93
MACKAY ID 83251

Re: Transfer No: 87651
Water Right No(s).: 34-10674

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

SCANNED
MAY 12 2023

Please note that water right owners are required to report any change of 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 on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 525-7161.

Sincerely,

Christina Henman
Administrative Assistant

Enclosure
CC:

SMITHS MT BORAH RANCH LP
5872 N US HIGHWAY 93
MACKAY ID 83251-4404

SCANNED
MAY 12 2023

CERTIFICATE OF SERVICE

I hereby certify that on May 11, 2023 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 87651
Water Right No(s).: 34-10674

STEVE SMITH
SMITHS MT BORAH RANCH LP
5872 N US HIGHWAY 93
MACKAY ID 83251-4404

Christina Henman
Administrative Assistant

SCANNED
MAY 12 2023

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

SCANNED
MAY 12 2023

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) The petition for reconsideration is disposed of; or
> (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

SCANNED
MAY 12 2023

MEMORANDUM

Date: April 7, 2023

To: Transfer 87651

From: Cooper Fritz

Re: Review & Evaluation of Sufficiency of Information

This transfer changes the place of use of right 34-10674 and places it entirety on the property of Smith's Mt. Borah Ranch, LP.

Authority to File:

The applicant, Steve Smith, has the authority to file. At the time of transfer submittal the right was owned by Wiley F. Smith, according to Department records. The applicant submitted a chain of deeds that links Wiley F. Smith (via the Wiley F. Smith Family Trust) to Smith's Mt. Borah Ranch, LP, on the post-transfer place of use land.

The pre-transfer place of use was collectively owned by four separate entities, according to Custer County taxlot data: Smith's Mt. Borah Ranch, LP, the Bureau of Land Management, Rodney and Julie Hand, and Theodore and Shawna McIntyre. Hand and McIntyre were provided direct notice of the transfer. Both parties responded via telephone and indicated that they did not oppose the approval of the transfer based on Instrument No. 234477, a Mutual Release, Termination of Lease, and Dimissal of Legal Action, included with the application. The applicant asserted that the right was placed on the BLM ground (S1/2 SW1/4 Section 2) in error. A review of aerial photography of that land demonstrated that no stockwater troughs were present and therefore the BLM was not notified of the transfer.

The application was initially signed by Steve Smith, who filled out the transfer in person in the Eastern Regional Office. Subsequently, Carolyn Smith electronically signed the document via email communication received on 4/24/2023. Carolyn Smith is the Registered Agent for Smith's Mt. Borah Ranch, LP, according to the Idaho Secretary of State.

Ownership of the water right will be updated to Smiths Mt Borah Ranch LP, based on the chain of deeds referenced above.

Water Right Validity:

The water right is valid for transfer.
The right was decreed in 1996. Forfeiture is not a concern: No evidence available to the Department indicates that the right has not been used.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer.
The Watermaster for Water District 34 was notified of the transfer and did not comment.

Enlargement of Use:

No enlargement of use will result from the approval of this transfer.
Rate nor volume are authorized to increase.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

SCANNED
MAY 12 2023

RECEIVED

APR 24 2023

Department of Water Resources
Eastern Region

Mt. Borah Ranch LP
5872 N. US Highway 93
Mackay, Idaho 83251
Ph: 208-588-2218
Date: April, 24 2023

Idaho Department of Water Resource
900 N. Skyline Dr.
Idaho Falls, Idaho 83402
Ph: 208-287-4800

Attention Cooper,
I have reviewed the water transfer 87651 and am in full support of the paperwork, please accept my signature in this email as my electronic signature.

Call me if anything more is needed.
Thanks
Carolyn Smith

Carolyn Smith

SCANNED
MAY 12 2023

Fritz, Cooper

From: Steve Smith <calfpuller@gmail.com>
Sent: Monday, April 24, 2023 4:42 PM
To: Fritz, Cooper
Subject: Mt. Borah Ranch LP
Attachments: IDWR scan.jpg

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Dear Cooper,
Hopefully this is what you need, I had to wait for my mom to get back from dentist.
ouch :)
Steve

SCANNED
MAY 12 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

Shawna and Theodore McIntyre
510 Garnet Drive
Kimberly, ID 83341

3/21/2023

Dear Shawna and Theodore,

You are receiving this letter because Custer County lists you as the owner of land in the SWNE of Section 10, Township 10 North, Range 21 East. That land is currently covered by water right 34-10674, a Stockwater right that Steve Smith (applicant) asserts ownership of and which he is proposing to move off your property.

The assertion is basically as follows: The right was decreed onto your land in 1996 because of a Lease of Water (included in this packet) that was dated July 5, 1928, and was subsequently terminated (document No. 234477) in 2006.

Based on that evidence it appears that the applicant has the authority to file the enclosed Water Right Transfer and remove the water right from your property.

However, I am contacting you because there might be some piece of evidence that I am missing. Please provide me any additional evidence that you may have by April 7, 2023. You may also contact me via telephone at 208 497 3780. If I do not hear from you, I will assume that you have no evidence to provide and will continue with my analysis of the transfer application as submitted.

Thanks,

Cooper Fritz

SCANNED
MAY 12 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

Julie and Rodney Hand
6237 West 6500 North
Mackay, ID 83251

3/21/2023

Dear Julie and Rodney,
You are receiving this letter because Custer County lists you as the owner of land in the N ½ of the NE ¼ of Section 10, Township 10 North, Range 21 East. That land is currently covered by water right 34-10674, a Stockwater right that Steve Smith (applicant) asserts ownership of and which he is proposing to move off your property.

The assertion is basically as follows: The right was decreed onto your land in 1996 because of a Lease of Water (included in this packet) that was dated July 5, 1928, and was subsequently terminated (document No. 234477) in 2006.

Based on that evidence it appears that the applicant has the authority to file the enclosed Water Right Transfer and remove the water right from your property.

However, I am contacting you because there might be some piece of evidence that I am missing. Please provide me any additional evidence that you may have by April 7, 2023. You may also contact me via telephone at 208 497 3780. If I do not hear from you, I will assume that you have no evidence to provide and will continue with my analysis of the transfer application as submitted.

Thanks,

Cooper Fritz

SCANNED
MAY 12 2023

Henman, Christina

From: Henman, Christina
Sent: Wednesday, April 12, 2023 4:50 PM
To: waterdist34@atcnet.net
Subject: Application for Transfer No. 87651
Attachments: tmpA0CA.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.

SCANNED
MAY 12 2023