

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 03 2024

Department of Water Resources

Filing Office

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?
22-11774 OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Boyd Smith and/or Patricia Smith
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Hard Way, LP
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- 5313 S. 5700 W. Rexburg ID 83440
Mailing address City State Zip
- 208-390-4349 brandonrungg@gmail.com
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: 02/21/2023
6. Do you own the land identified as the water right place of use? Yes ☒ No ☐
 o 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):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
 o 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: Robert Smith General Partner 6-25-2024
 Signature of new owner/claimant Title, if applicable Date
Robert Smith
 Print name

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

For IDWR Office Use Only: \$25.- for this app
 Received by: JB Date: 7/3/2024 Receipt No. E050211 Receipt Amt. \$50.-

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

Parcel # matches conditions of approval
WD 100/Hennepin Fork GWD



PERSONAL REPRESENTATIVE'S DEED

THIS INDENTURE, Made this 21st day of February, 2023, between **Robert Smith**, as Personal Representative of the **ESTATE OF BOYD E. SMITH**, with the estate pending in the Seventh Judicial District, Madison County, Idaho, under Case No. CV33-22-588 the party of the first part, and **Hard Way, LP**, an Idaho limited partnership with its principal place of business located at 5313 S. 5700 W., Rexburg, ID 83440, the party of the second part,

WITNESSETH, That the said party of the first part, Robert Smith, as the duly appointed, qualified and acting Personal Representative of THE ESTATE OF BOYD E. SMITH; does by these presents grant, convey, and confirm unto the said Hard Way, LP, the said party of the second part, and to its successors and assigns forever, **all of said estate's interest** in and to the following described real property, located in Madison County, Idaho, to-wit:

See Attached Exhibit "A"

Subject to: Existing taxes, assessments, liens, encumbrances, covenants, conditions, restrictions, rights of way and easements of record.

Together with all water and water right appurtenant to the premises

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders and rents, issues and profits thereof;

TO HAVE AND TO HOLD, unto the said party of the second part, and to its assigns forever.

IN WITNESS WHEREOF, The said party of the first part, as Personal Representative,
has, as aforesaid, hereunto set his hand and seal the day and year first above written.

Robert Smith

Robert Smith
as Personal Representative of the
Estate of Boyd E. Smith

Acknowledgment by Personal Representative

STATE OF IDAHO)
)
) ss.
County of Madison)

On this 21st day of February, 2023, before me, the undersigned, a Notary Public
in and for said State, personally appeared **Robert Smith** known to me to be the Personal
Representative of the Estate of Boyd E. Smith, deceased, and acknowledged to me that he
executed the same as such Personal Representative.



Mandy Davis
Notary Public for Idaho
Residing at: ST. Anthony
My Commission expires: 6/24/23

Exhibit "A"

Parcel 1: Home Place

Tract 1: RP05N39E217391 & RP05N39E207391

In Sections 20 and 21, Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho

Commencing at a point approximately 330 feet South of the old accepted Northwest corner of the Southwest Quarter of Section 21, (which point is 134 feet South of the Brass Cap, established by the General Land Office in 1959, not yet accepted), and running thence West 1320 feet to the West line of the Northeast Quarter of the Southeast Quarter of Section 20; thence South approximately 250 feet; to the North bank of the South Fork of the Snake River; thence meandering along said river bank in a Southeasterly direction to the South line of said Northeast Quarter of the Southeast Quarter of said Section 20; thence due East 825 feet, more or less, to the Southeast corner of said Northeast Quarter of the Southeast Quarter; thence North 145.7 feet; thence angling into the Northwest Quarter of the Southwest Quarter of Section 21, on a course North 30°30' East 175.3 feet; thence North 56°20' East 160.9 feet; thence North 70°0' East 261.3 feet; thence north 02°20' West 110 feet; thence North 39°10' West 379.8 feet; thence North 51°0' West 161.9 feet; thence North 26°13' West 222.8 feet, more or less, to the West line of said Southwest Quarter at the true point of beginning.

Tract 2: RP05N39E201202

Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho.

Lots 3, 4, 5 and 6 and the Southwest Quarter of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter of Section 20

Less and excepting: Commencing at the Northeast Corner of the Southwest Quarter Northeast Quarter of Section 20, Township 5 North, Range 39 East, Boise Meridian, and running thence West 270 feet; thence South 200 feet; thence East 270 feet; and thence North 200 feet to the point of beginning.

Parcel 2: Skip McRae RP05N39E213001 22-11774

Commencing at a point that is 658.00 feet East of the Northwest corner of Section 21, Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho, and running thence South 36.05 feet; thence South 39°42'30" East, 86.50 feet; thence South 49°43'30" East 148.78 feet; thence South 60°03'50" East 110.54 feet; thence South 86°29'00" East 78.48 feet ; thence North 60°06'29" East 365.76 feet; thence North 76.47 feet; thence West 660.00 feet to the point of beginning.

EXCEPT: Any house trailer or mobile home located thereon.

Parcel 3: Everson

Tract 1: RP05N39E210001

The Northeast Quarter of the Northeast Quarter of Section 21, Township 5 North, Range 39 East, Boise Meridian.

Less the following: Commencing at the Southeast corner of the Northeast Quarter of the Northeast Quarter; and running Thence North 523 feet; Thence West 305 feet; Thence South 523 feet; And thence East 305 feet to the point of beginning.

Tract 2: RP05N39E169289

Commencing at the Southeast Corner of the Southeast Quarter of Section 16 in Township 5 North Range 39 East, Boise Meridian, Madison County, Idaho, and running Thence North 40 rods, Thence West 80 rods, Thence South 40 rods, and Thence East 80 rods to the point of beginning.

Instrument # 311635

REXBURG, MADISON, IDAHO

2004-04-27

10:59:00 No. of Pages: 4

Recorded for : BLAIR GROVER

MARILYN R. RASMUSSEN

Fee: 12.00

Ex-Officio Recorder Deputy

QUITCLAIM DEED

THIS INDENTURE, made this 30 day of January, 2004, between PATRICIA JOHNSON SMITH of Idaho Falls, Bonneville County, Idaho, the Grantor, and BOYD E. SMITH of 4801 South 4300 West, Rexburg, Madison County, Idaho, the Grantee,

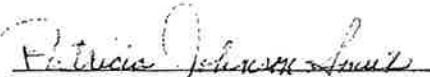
WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars, lawful money of the United States of America, and other good and valuable considerations, to Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM, unto the said Grantee, and to Grantee heirs and assigns, forever, all the following described real estate, situated in Madison County, Idaho, to-wit:

SEE ATTACHED EXHIBIT A

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof;

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto the said Grantee, and to Grantee heirs and assigns forever.

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal the day and year first above written.


PATRICIA JOHNSON SMITH

STATE OF IDAHO)

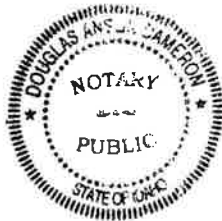
)ss

County of Bonneville

On this 30 day of January, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared PATRICIA JOHNSON SMITH, known to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that they/she/he executed the same.

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

(seal)




Notary Public for Idaho
Residing at: IDAHO FALLS, ID
Commission Expires: 12.20.05

Everson Farm Tract

Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho.

Commencing at the Southeast Corner of the Southeast Quarter (SE1/4) of Section Sixteen (16) and running thence North Forty (40) rods, thence West Eighty (80) rods, thence South Forty (40) rods, and thence East Eighty (80) rods to the point of beginning, together with water rights consisting of Fourteen (14) shares of stock in the Liberty Park Canal Company.

The Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section Twenty-One (21), Township Five (5) North, Range 39 East Boise Meridian, together with a water right consisting of twenty (20) shares of stock in the Liberty Park Canal Company.

LESS THE FOLLOWING: Commencing at the Southeast corner of the Northeast Quarter Northeast Quarter (NE1/4NE1/4); and running thence North 523 feet; thence West 305 feet; thence South 523 feet; and thence East 305 feet to the point of beginning.

Together with all water and ditch rights that may exist not specifically designated above.

Firth Farm Tract

Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho.

Parcel I

Section 16: NE1/4 SE1/4; ALSO Commencing at the Northeast corner of the Southeast Quarter of the Southeast Quarter and running thence South 40 rods, more or less; thence West 160 rods; thence North 40 rods, more or less; thence East 160 rods to the place of beginning.

Parcel II

Section 16: NW1/4 SE1/4; SE1/4 NW1/4; SW1/4 NE1/4; and commencing at a point 30 rods West of the Southeast corner of the Northeast Quarter and running thence West 50 rods; thence North 80 rods; thence East 80 rods; thence South 53.34 rods; thence West 30 rods; and thence South 26.66 rods to the point of beginning.

LESS: Commencing at a point that is North 26.66 rods from the Southeast corner of the Northeast Quarter of said Section 16, and running thence West 470 feet; thence North 170.56 feet; thence East 470 feet; thence South 170.56 feet to the point of beginning.



Home Place Tract

Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho:

Parcel 1:

Lots 3, 4, 5 and 6, and the Southwest Quarter of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter of Section 20;

Parcel 2:

Commencing at a point approximately 330 feet South of the old accepted Northwest corner of the Southwest Quarter of Section 21 (which point is 134 feet South of the Brass Cap, established by the General Land Office in 1959, not yet accepted), and running thence West 1320 feet to the West line of the Northeast Quarter of the Southeast Quarter of Section 20; thence South approximately 250 feet to the North bank of the South Fork of Snake River; thence meandering along said river bank in a Southeasterly direction to the South line of said Northeast Quarter of the Southeast Quarter of said Section 20; thence due East 825 feet, more or less, to the Southeast corner of said Northeast Quarter of the Southeast Quarter; thence North 145.7 feet; thence angling into the Northwest Quarter of the Southwest Quarter of Section 21, on a course North 30°30' East 175.3 feet; thence North 56°20' West 110 feet; thence North 39°10' West 379.8 feet; thence North 51°0' West 161.9 feet; thence North 26°13' West 222.8 feet, more or less, to the West line of said Southwest Quarter at the true point of beginning.

Cellars and Shop Tract

Commencing at a point that is 658.00 feet East of the Northwest corner of Section 21, Township 5 North, Range 39 East, Boise Meridian, and running thence South 36.05 feet; thence South 39°42'30" East, 86.50 feet; thence South 49°43'30" East 148.78 feet; thence South 60°03'50" East 110.54 feet; thence South 86°29'00" East 78.48 feet; thence North 60°06'29" East 365.76 feet; thence North 76.47 feet; thence West 660.00 feet to the point of beginning.

Together with all right, title and interest in and unto the above described property acquired by party of the first part after the execution of this deed.

Firth Tract

***The South Half of the Southwest Quarter of the Southeast Quarter (S½ SW¼ SE¼), in Section Sixteen (16), Township Five (5) North, Range Thirty-nine (39), East of the Boise Meridian, and the Northwest Quarter of the Northeast Quarter (NW¼ NE¼), in Section Twenty-one (21), Township Five (5) North, Range Thirty-nine (39), East of the Boise Meridian, Madison County, State of Idaho.

Oram Tract

The Southwest Quarter of the Northwest Quarter of Section 21, Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho.

LESS: Beginning at the Northeast corner of the SW¼NW¼ of Section 21, Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho, and running thence South 0°00'12" East 212.56 feet; thence North 89°39'15" West 105.25 feet; thence South 71°52'36" West 88.49 feet; thence South 34°30'51" West 57.27 feet; thence South 80°20'55" West 132.24 feet; thence North 310.93 feet; and thence South 89°39'14" East 352.16 feet to the point of beginning.

Buyer is also granted a 40-foot easement for ingress and egress and utilities to the premises being sold hereunder which easement shall run along the north and east side of the following described real property, to-wit:

Beginning at the Northeast corner of the Southwest Quarter of the Northwest Quarter of Section 21, Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho, and running thence South 0°00'12" East 212.56 feet; thence North 89°39'15" West 105.25 feet; thence South 71°52'36" West 88.49 feet; thence South 34°30'51" West 57.27 feet; thence South 80°20'55" West 132.24 feet; thence North 310.93 feet; and thence South 89°39'14" East 352.16 feet to the point of beginning.

Subject to easements, if any, of record or in existence for roads streets, ditches, canals, pipelines and utilities.

Together with any and all water and water rights, ditch and ditch rights appurtenant thereto.

Together with all right, title and interest in and unto the above described property acquired by parties of the first part after the execution of this deed.



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 Mathew Weaver

July 05, 2024

HARD WAY LP
5313 S 5700 W
REXBURG ID 83440-4225

Re: Change in Ownership for Water Right No(s): 22-11774

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 497-3787.

Sincerely,

Jonie Bailly
Technical Records Specialist 1

Enclosure(s)

cc: RIGBY ANDRUS RIGBY
WATER DISTRICT 100
HENRYS FORK GROUND WATER DISTRICT