

JUL 03 2024

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDEPT. OF WATER RESOURCES
EASTERN REGION

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. *Rigby Andrus Rigby*

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
22-2270 <i>OK</i>	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
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

<u>5313 S. 5700 W.</u>	<u>Rexburg</u>	Name connector ☐ and ☐ or	<u>ID</u>	<u>83440</u>
Mailing address	City		State	Zip
<u>208-390-4349</u>	<u>brandonrungp@gmail.com</u>			
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: 06/04/2024

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):
- ☐ \$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: *Robert Smith* General Partner 6-25-2024
Signature of new owner/claimant Title, if applicable Date
Robert Smith
Print name

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

Received by *JB* Date 7/3/2024 For IDWR Office Use Only: \$25 - for this app
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 ☐

WD100/Hennepin Fork GWD



PERSONAL REPRESENTATIVE'S DEED

THIS INDENTURE, Made this 21st day of May, 2024, 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 May, 2024, 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: 06/24/29

Exhibit "A"

Parcel 1: RP05N39E179001 (Ervin) *WR 22-2270*

Beginning at the Southeast corner of Section 17, Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho, and running thence West 990 Feet; thence North 1320 feet; thence East 990 feet, and thence South 1320 feet to the point of beginning.

Parcel 2: RP05N39E171897 (Ervin)

SITUATED IN THE STATE OF IDAHO, COUNTY OF MADISON, BEING PART OF SECTION 17, TOWNSHIP 5 NORTH, RANGE 39 EAST, OF B.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A REBAR WITH AN ALUMINUM CAP FOUND MARKING THE EAST QUARTER CORNER OF SAID SECTION 17;

THENCE SOUTH 00°01'20" EAST, A DISTANCE OF 828.53 FEET TO A POINT;

THENCE SOUTH 89°26'59" WEST, A DISTANCE OF 205.00 FEET TO A POINT;

THENCE SOUTH 15°57'39" EAST, A DISTANCE OF 137.41 FEET TO A POINT;

THENCE SOUTH 07°50'29" EAST, A DISTANCE OF 85.54 FEET TO A POINT;

THENCE SOUTH 15°47'25" EAST, A DISTANCE OF 155.96 FEET TO A POINT;

THENCE SOUTH 03°01'26" EAST, A DISTANCE OF 61.97 FEET TO A POINT;

THENCE NORTH 89°20'42" EAST, A DISTANCE OF 110.00 FEET TO A POINT;

THENCE SOUTH 00°01'20" EAST, A DISTANCE OF 55.13 FEET TO A POINT;

THENCE SOUTH 89°25'51" WEST, A DISTANCE OF 2,611.07 FEET TO THE CENTER-SOUTH 16TH CORNER;

THENCE NORTH 00°22'15" WEST, A DISTANCE OF 1,295.84 FEET TO THE CENTER ¼ CORNER OF SAID SECTION 17;

THENCE SOUTH 89°07'29" WEST, A DISTANCE OF 1,292.97 FEET TO THE CENTER – WEST 16TH CORNER;

THENCE NORTH 00°29'16" EAST, A DISTANCE OF 1,312.05 FEET TO THE NORTHWEST 16TH CORNER;

THENCE NORTH 89°36'34" EAST, A DISTANCE OF 1,327.81 FEET TO THE CENTER-NORTH 16TH CORNER;

THENCE NORTH 88°34'59" EAST, A DISTANCE OF 107.25 FEET TO A POINT;

THENCE NORTH 02°01'05" EAST, A DISTANCE OF 597.43 FEET TO A POINT IN THE CENTER OF JONES WARM SLOUGH;

THENCE WITH THE CENTER OF JONES WARM SLOUGH THE FOLLOWING 39 COURSES:

1. THENCE SOUTH 74°57'43" EAST, A DISTANCE OF 170.41 FEET TO A POINT;
2. THENCE SOUTH 87°17'05" EAST, A DISTANCE OF 191.43 FEET TO A POINT;
3. THENCE NORTH 67°02'06" EAST, A DISTANCE OF 81.38 FEET TO A POINT;
4. THENCE SOUTH 84°35'08" EAST, A DISTANCE OF 81.52 FEET TO A POINT;
5. THENCE SOUTH 66°33'01" EAST, A DISTANCE OF 149.56 FEET TO A POINT;
6. THENCE NORTH 61°48'16" EAST, A DISTANCE OF 109.31 FEET TO A POINT;
7. THENCE NORTH 57°08'18" EAST, A DISTANCE OF 112.11 FEET TO A POINT;
8. THENCE NORTH 72°35'34" EAST, A DISTANCE OF 57.35 FEET TO A POINT;
9. THENCE SOUTH 77°13'07" EAST, A DISTANCE OF 74.35 FEET TO A POINT;
10. THENCE SOUTH 56°32'09" EAST, A DISTANCE OF 102.21 FEET TO A POINT;
11. THENCE SOUTH 39°01'37" EAST, A DISTANCE OF 151.01 FEET TO A POINT;
12. THENCE SOUTH 01°11'02" WEST, A DISTANCE OF 83.74 FEET TO A POINT;
13. THENCE SOUTH 11°42'10" WEST, A DISTANCE OF 90.71 FEET TO A POINT;
14. THENCE SOUTH 25°57'26" WEST, A DISTANCE OF 106.36 FEET TO A POINT;
15. THENCE SOUTH 11°40'33" WEST, A DISTANCE OF 60.70 FEET TO A POINT;
16. THENCE SOUTH 01°21'25" WEST, A DISTANCE OF 31.07 FEET TO A POINT;
17. THENCE SOUTH 33°28'20" EAST, A DISTANCE OF 45.86 FEET TO A POINT;
18. THENCE SOUTH 61°22'52" EAST, A DISTANCE OF 44.42 FEET TO A POINT;
19. THENCE SOUTH 79°52'01" EAST, A DISTANCE OF 49.21 FEET TO A POINT;
20. THENCE NORTH 86°58'36" EAST, A DISTANCE OF 45.69 FEET TO A POINT;
21. THENCE NORTH 63°17'20" EAST, A DISTANCE OF 50.52 FEET TO A POINT;
22. THENCE NORTH 29°32'32" EAST, A DISTANCE OF 105.09 FEET TO A POINT;
23. THENCE NORTH 32°31'18" EAST, A DISTANCE OF 160.71 FEET TO A POINT;
24. THENCE NORTH 57°22'09" EAST, A DISTANCE OF 49.92 FEET TO A POINT;
25. THENCE SOUTH 83°22'55" EAST, A DISTANCE OF 39.05 FEET TO A POINT;
26. THENCE SOUTH 78°00'12" EAST, A DISTANCE OF 40.62 FEET TO A POINT;
27. THENCE SOUTH 37°33'09" EAST, A DISTANCE OF 34.46 FEET TO A POINT;
28. THENCE SOUTH 07°38'36" WEST, A DISTANCE OF 75.83 FEET TO A POINT;
29. THENCE SOUTH 20°55'58" WEST, A DISTANCE OF 140.89 FEET TO A POINT;
30. THENCE SOUTH 21°04'18" EAST, A DISTANCE OF 38.65 FEET TO A POINT;
31. THENCE SOUTH 58°37'04" EAST, A DISTANCE OF 42.76 FEET TO A POINT;
32. THENCE NORTH 79°21'09" EAST, A DISTANCE OF 41.60 FEET TO A POINT;

33. THENCE NORTH 85°36'15" EAST, A DISTANCE OF 42.22 FEET TO A POINT;
34. THENCE SOUTH 72°39'23" EAST, A DISTANCE OF 27.14 FEET TO A POINT;
35. THENCE NORTH 70°31'02" EAST, A DISTANCE OF 117.65 FEET TO A POINT;
36. THENCE NORTH 74°36'54" EAST, A DISTANCE OF 103.59 FEET TO A POINT;
37. THENCE NORTH 84°01'27" EAST, A DISTANCE OF 90.24 FEET TO A POINT;
38. THENCE SOUTH 89°15'43" EAST, A DISTANCE OF 101.04 FEET TO A POINT;
39. THENCE SOUTH 78°44'13" EAST, A DISTANCE OF 99.17 FEET TO A POINT;

THENCE SOUTH 48°28'36" EAST, A DISTANCE OF 180.73 FEET TO A POINT;

THENCE SOUTH 00°41'10" EAST, A DISTANCE OF 270.66 FEET TO A POINT;

THENCE SOUTH 89°59'43" EAST, A DISTANCE OF 157.65 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 17;

THENCE SOUTH 00°00'49" WEST, A DISTANCE OF 923.06 FEET TO THE POINT OF BEGINNING, CONTAINING 207.88 ACRES OF LAND, MORE OR LESS.

Parcel 3: RP05N39E163601 (Ervin south of Stark)

SITUATED IN THE STATE OF IDAHO, COUNTY OF MADISON, BEING PART OF SECTION 16, TOWNSHIP 5 NORTH, RANGE 39 EAST, OF B.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A REBAR WITH AN ALUMINUM CAP FOUND MARKING THE WEST QUARTER CORNER OF SAID SECTION 16;

THENCE NORTH 00°00'49" EAST, A DISTANCE OF 1,069.54 FEET TO A PK MAG NAIL SET;

THENCE ALONG THE NORTH BANK OF THE JONES WARM SLOUGH THE FOLLOWING 13 COURSES;

1. THENCE SOUTH 30°14'03" EAST, A DISTANCE OF 40.55 FEET TO A POINT;
2. THENCE SOUTH 66°01'06" EAST, A DISTANCE OF 35.33 FEET TO A POINT;
3. THENCE SOUTH 43°24'12" EAST, A DISTANCE OF 41.47 FEET TO A POINT;
4. THENCE SOUTH 58°20'33" EAST, A DISTANCE OF 214.71 FEET TO A POINT;
5. THENCE SOUTH 56°10'25" EAST, A DISTANCE OF 110.29 FEET TO A POINT;
6. THENCE SOUTH 72°08'31" EAST, A DISTANCE OF 177.46 FEET TO A POINT;
7. THENCE NORTH 85°52'44" EAST, A DISTANCE OF 173.17 FEET TO A POINT;
8. THENCE NORTH 72°34'19" EAST, A DISTANCE OF 77.46 FEET TO A POINT;
9. THENCE NORTH 77°32'48" EAST, A DISTANCE OF 124.65 FEET TO A POINT;
10. THENCE NORTH 70°53'05" EAST, A DISTANCE OF 208.79 FEET TO A POINT;

11. THENCE NORTH 76°19'51" EAST, A DISTANCE OF 114.77 FEET TO A POINT;
12. THENCE NORTH 88°00'41" EAST, A DISTANCE OF 42.97 FEET TO A POINT;
13. THENCE SOUTH 87°42'18" EAST, A DISTANCE OF 77.76 FEET TO A POINT;

THENCE NORTH 00°03'06" EAST, A DISTANCE OF 404.78 FEET TO A POINT;

THENCE NORTH 89°56'07" EAST, A DISTANCE OF 244.40 FEET TO A POINT;

THENCE SOUTH 00°02'46" WEST, A DISTANCE OF 1,319.98 FEET TO A POINT;

THENCE SOUTH 89°53'27" WEST, A DISTANCE OF 1,566.25 FEET TO THE POINT OF BEGINNING, CONTAINING 33.43 ACRES OF LAND, MORE OR LESS.

Parcel 4: RP05N39E213610 (Oram Farm)

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 Southwest 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;

Thence South 89°39'14" East 352.16 feet to the point of beginning.

Parcel 5: RP05N39E161801 (Bill Firth Farm)

SITUATED IN THE STATE OF IDAHO, COUNTY OF MADISON, BEING PART OF SECTION 16, TOWNSHIP 5 NORTH, RANGE 39 EAST, OF B.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A REBAR WITH AN ALUMINUM CAP FOUND MARKING THE EAST 1/4 CORNER OF SAID SECTION 16;

THENCE SOUTH 00°08'51" WEST, A DISTANCE OF 1,113.38 FEET TO A POINT;

THENCE NORTH 89°51'09" WEST, A DISTANCE OF 259.73 FEET TO A POINT;

THENCE SOUTH 00°27'56" WEST, A DISTANCE OF 224.56 FEET TO A POINT;

THENCE SOUTH 89°51'09" EAST, A DISTANCE OF 260.98 FEET TO A POINT;

THENCE SOUTH 00°08'51" WEST, A DISTANCE OF 1,295.57 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 16;

THENCE NORTH 89°55'41" WEST, A DISTANCE OF 2,642.09 FEET TO THE SOUTH ¼ CORNER OF SAID SECTION 16;

THENCE NORTH 00°05'38" EAST, A DISTANCE OF 2,625.15 FEET TO THE CENTER ¼ CORNER;

THENCE SOUTH 89°53'27" WEST, A DISTANCE OF 1,077.19 FEET TO A POINT;

THENCE NORTH 00°02'46" EAST, A DISTANCE OF 1,319.98 FEET TO A POINT;

THENCE NORTH 89°56'07" EAST, A DISTANCE OF 1,078.19 FEET TO THE CENTER-NORTH 16TH CORNER;

THENCE NORTH 89°56'32" EAST, A DISTANCE OF 2,645.88 FEET TO THE NORTH 16TH CORNER;

THENCE SOUTH 00°08'51" WEST, A DISTANCE OF 706.26 FEET TO A POINT;

THENCE NORTH 89°51'10" WEST, A DISTANCE OF 470.00 FEET TO A POINT;

THENCE SOUTH 00°08'50" WEST, A DISTANCE OF 170.56 FEET TO A POINT;

THENCE NORTH 89°51'10" WEST, A DISTANCE OF 25.00 FEET TO A POINT;

THENCE SOUTH 00°08'50" WEST, A DISTANCE OF 329.89 FEET TO A POINT;

THENCE CONTINUING SOUTH 00°08'50" WEST ALONG SAID LINE, A DISTANCE OF 112.29 FEET TO A POINT ON THE EAST -WEST CENTER OF SAID SECTION 16;

THENCE NORTH 89°53'27" EAST, A DISTANCE OF 495.00 FEET TO THE POINT OF BEGINNING, CONTAINING 264.04 ACRES OF LAND, MORE OR LESS.



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): 22-2270

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 Baily
Technical Records Specialist 1

Enclosure(s)

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