

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAR 02 2023

Department 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.

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

5872 N US Hwy 93

Mailing address

(208) 588-2218, 208-833-1218 (cell)

Telephone

Mackay

City

wileys@atcnet.net

Email

Name connector ☐ and ☐ or

ID 83251

State Zip

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 ☐
- 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: *Carolyn Smith* co-owner 03/02/2023
Signature of new owner/claimant Title, if applicable Date

Print name

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

Print name

Received by *Cech* Date 3/12/23 For IDWR Office Use Only: Receipt No. 2048942 Receipt Amt. \$25.- for this app

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAR 02 2023

Department of Water Resources
Eastern Region

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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 7	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

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Name connector ☐ and ☐ or

ID 83251

State Zip

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 Co-owner 03/02/2023
Signature of new owner/claimant Title, if applicable Date
- Print name

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

Received 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

For IDWR Office Use Only:

\$75.- for this app.

243691

Custer County Rec. 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

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

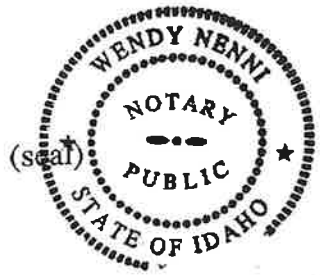
By: Wiley F. Smith
Wiley F. Smith, Trustee

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

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.



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

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243690

Custer County Rec. of

*Martin & Eskelson PLLC*Time *11:20 A* M Date *2-8*, 20*11*

Barbara C. Tierney, Clerk

Deputy *[Signature]* \$ *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

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

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

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



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

March 17, 2023

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

Re: Change in Ownership for Water Right No(s): 34-834, 34-835, 34-836, 34-839, 34-2303, 34-4039, 34-4005A, 34-4005B, 34-10585, 34-10654, 34-10655, 34-10674 (not complete, will be complete in the transfer)

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: WATER DISTRICT 34
BIG LOST RIVER GROUND WATER DISTRICT



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

March 2, 2023

SMITH'S MT BORAH RANCH LP
5872 N US JWU 93
MAKAY ID 83251

RE: Change in Ownership Water Right No. 34-10654, 34-10655, 34-834, 34-835, 34-836, 34-839, 34-2303, 34-4039, 34-10585, 34-4005A, 34-4005B, 34-10674

Dear Sir/Madam:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. The department has sufficient evidence to update all the water rights except 34-10674.

Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

******Notice to property owners:** Water right number 34-10674 covers ground you do not currently own. It is the departments understanding you had an agreement at one time to run water on the other properties, but that agreement has since been terminated. For the department to update ownership of a water right on someone else's property notice to the property owner that ownership change has been filed is required. Idaho Code: 42-248. **NOTIFICATION OF CHANGE IN OWNERSHIP OF A WATER RIGHT OR CHANGE OF ADDRESS OF A WATER RIGHT OWNER – NOTICE OF ACTION AFFECTING A WATER RIGHT.** (6) *If the person filing the notice of a change of water right ownership does not own the land identified as the place of use for the water right, the notice shall be accompanied by evidence that written notice of the change of water right ownership has been mailed or hand-delivered to the landowner of record, as identified in the records of the county recorder.* Please supply a copy of a letter or notice sent or hand delivered to the property owners. According to the parcel information available to the department the current owners of the property is Rodney and Julie Hand, also Theodore and Shawna McIntyre.

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

Please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact the Department if you have any questions.

Sincerely,

Jonie Barg
Technical Records Specialist

ec: wileys@atcnet.net

SCANNED

MAR 02 2023