

OCT 31 2022

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?
17-70510K	Yes ☐	Yes ☐		Yes ☐	Yes ☐
17-20290K	Yes ☐	Yes ☐		Yes ☐	Yes ☐
17-71900K	Yes ☐	Yes ☐		Yes ☐	Yes ☐
17-40230K*	Yes ☐	Yes ☐		Yes ☐	Yes ☐
* Already complete	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Kent and Pat Smith Land Co LLC
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Lex and Bo Smith
New owner(s) as listed on the conveyance document

5337 S 21000 W
Mailing address
801-430-1651
Telephone

Holbrook ID 83243
City State Zip
bo-smith@hotmail.com
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: 6-27-22

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: [Signature] 8-15-22
 Signature of new owner/claimant Title, if applicable Date
Lex Smith
 Print name
- Signature: [Signature] 8-15-22
 Signature of new owner/claimant Title, if applicable Date
Bo Smith
 Print name

Received by JB Date 10/31/2022 Receipt No. E048675 Receipt Amt. \$1000-
 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 JB Approved by JB Processed by JB Date 11/9/2022

For IDWR Office Use Only:

1 water right already updated need refund.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/7/2022

Water Right 17-4023

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KENT AND PAT SMITH LAND CO LLC 1969 S 19000 W MALAD CITY, ID 83252-5100

Priority Date: 5/1/1955
Basis: Statutory Claim
Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	1/01	12/31	0.040 CFS	
	<u>Total Diversion</u>		0.040 CFS	

Source and Point(s) of Diversion:
GROUND WATER NWNW Sec. 16, Twp 15S, Rge 33E, ONEIDA County

Place of Use:
STOCKWATER within ONEIDA County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	33E	16							X										

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/7/2022

Water Right 17-2029 (After Split)

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KENT D AND PAT SMITH LIVING TRUST 1969 S 19000 W MALAD CITY, ID 83252-5100

Priority Date: 10/14/1953

Basis: License

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	1.600 CFS	
	<u>Total Diversion</u>		1.600 CFS	

<u>Source and Point(s) of Diversion:</u>	
GROUND WATER	SWSW Sec. 33, Twp 14S, Rge 33E, ONEIDA County

Place of Use:
IRRIGATION within ONEIDA County

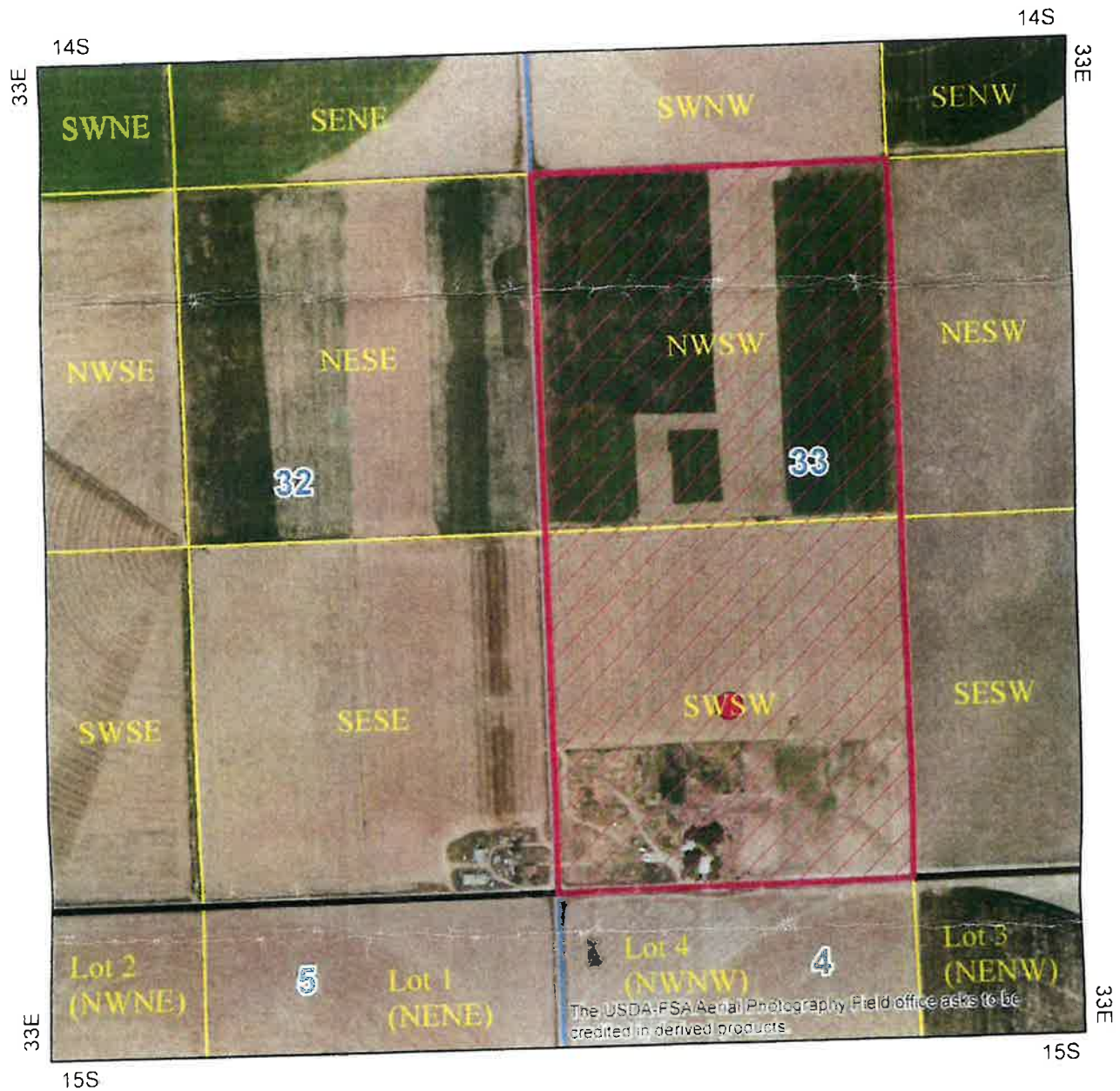
			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14S	33E	33											40.0	40.0					80.0
																			POU Total Acres: 80.0

Conditions of Approval:

1. TRANS. 1758.
2. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

State of Idaho
Department of Water Resources

Water Right 17-2029 (After Split)



- Water Right POD
- ▨ Water Right POU
- ▭ Townships
- ▭ PLS Sections
- ▭ Quarter Quarters

0 375 750 1,500 Feet



IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/7/2022

Water Right 17-7051

Owner Type **Name and Address**
 Current Owner KENT AND PAT SMITH LAND CO LLC
 1969 S 19000 W
 MALAD CITY, ID 83252-5100

Priority Date: 6/20/1975

Basis: License

Status: Active

Source
 GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	0.740 CFS	130.0 AF
	<u>Total Diversion</u>		0.740 CFS	130.0 AF

Source and Point(s) of Diversion:
 GROUND WATER SWSW Sec. 33, Twp 14S, Rge 33E, ONEIDA County

Place of Use:
 IRRIGATION within ONEIDA County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	33E	32																	29.0
																		8.0	37.0
																		POU Total Acres 37.0	

17-7051

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/7/2022

Water Right 17-7190

Owner Type **Name and Address**
 Current Owner KENT AND PAT SMITH LAND CO LLC
 1969 S 19000 W
 MALAD CITY, ID 83252-5100

Priority Date: 10/14/1953

Basis: License

Status: Active

Source
 GROUND WATER

Tributary

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	11/01	0.800 CFS	
	Total Diversion		2.400 CFS	

Source and Point(s) of Diversion:
 GROUND WATER SWSW Sec. 33, Twp 14S, Rge 33E, ONEIDA County

Place of Use:

IRRIGATION within ONEIDA County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	33E	32													10.0			30.0	40.0
POU Total Acres: 40.0																			

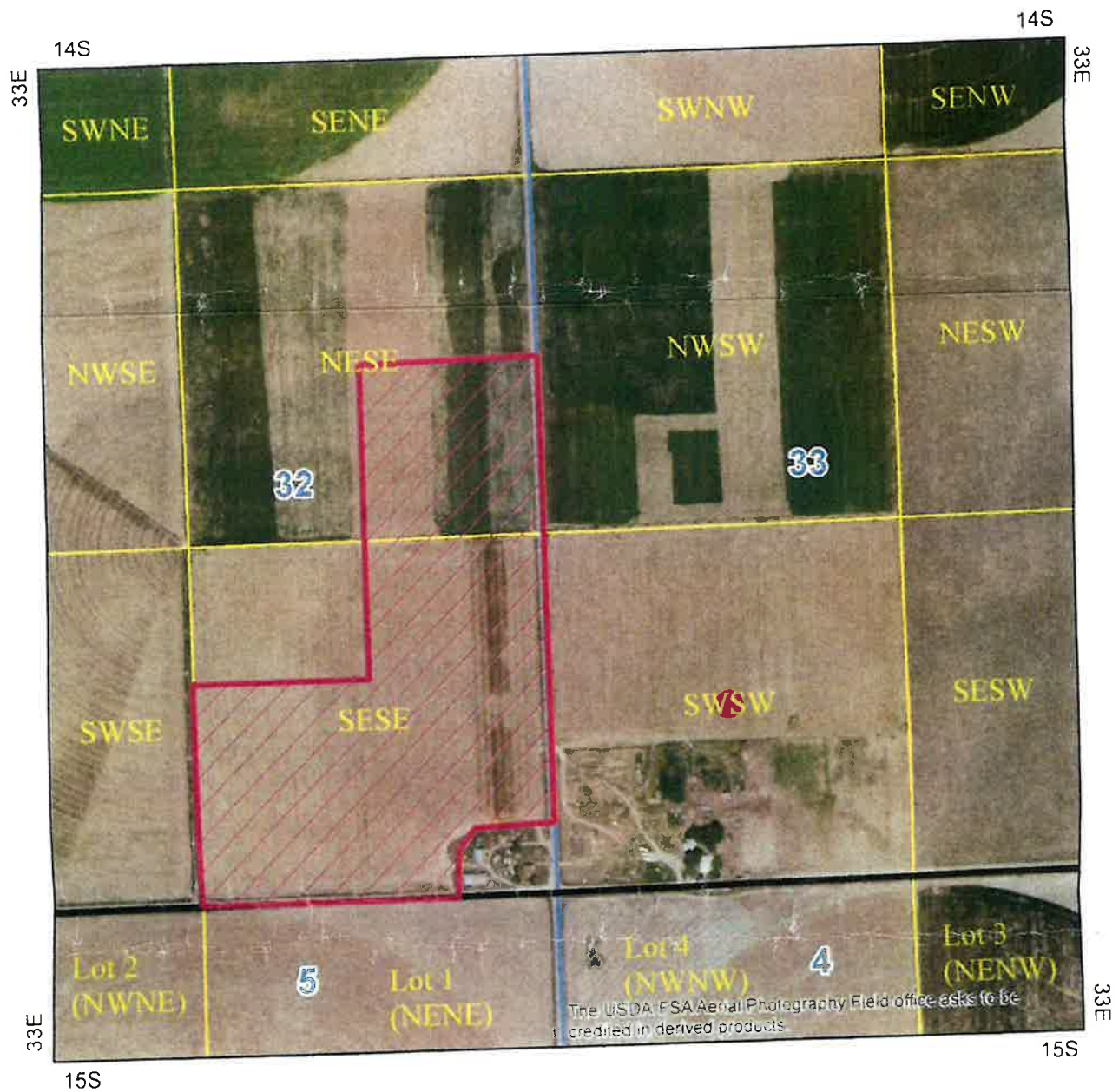
Conditions of Approval:

1. TRANS. 1758.
2. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

17-7190

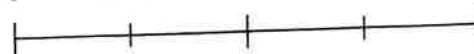
State of Idaho
Department of Water Resources

Water Right 17-7190



- Water Right POD
- ▨ Water Right POU
- ▭ Townships
- ▭ PLS Sections
- ▭ Quarter Quarters

0 375 750 1,500 Feet



NTO-118742
 Lex David Smith
 5337 South 21000 West
 Holbrook, ID 83243

Microfilm No. 163540
 28 Day Jun 20 22
 At 04 10 O'clock PM
Malad Murphy
 Oneida Co. Recorder
 Fee \$ 15.00 Deputy
 Recorded at Request of
 Northern Title Company- Malad

WARRANTY DEED

PARCEL 1: Kent and Pat Smith Land, Co., LLC, an Idaho limited liability company
 PARCEL 2: Kent and Pat Smith Land, Co., LLC, an Idaho limited liability company
 PARCEL 3 : Kent D. Smith and Patsy J. Smith, Trustees of the Kent D. and Pat Smith Living Trust dated December 22, 2015, and any amendments thereto
 PARCEL 4: Kent and Pat Smith Land, Co., LLC, an Idaho limited liability company

Grantor(s) of Holbrook, County of Oneida, State of Idaho, hereby **CONVEY AND WARRANT** to

Lex David Smith and Bo Jane Smith, husband and wife as community property with right of survivorship

Grantee(s) of Holbrook, County of Oneida, State of Idaho, for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, the following described tract of land in Oneida County, State of ID:

See Exhibit "A" attached and made a part hereto

Subject to easements, declarations of covenants and restrictions, rights of way of record, and taxes for the current year and thereafter.

Witness, the hand(s) of said Grantor(s), this June 28, 2022

Kent D Smith
 Kent and Pat Smith Land, Co., LLC, an Idaho limited liability company
 Kent D. Smith, Manager

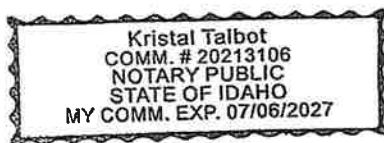
Patsy S Smith
 Kent and Pat Smith Land, Co., LLC, an Idaho limited liability company
 Patsy S. Smith, Manager

Kent D Smith
 Kent D. Smith, Trustee of the Kent D. and Pat Smith Living Trust dated December 22, 2015, and any amendments thereto

Patsy J Smith
 Patsy J. Smith, Trustee of the Kent D. and Pat Smith Living Trust dated December 22, 2015, and any amendments thereto

State of Idaho }
 County of Oneida }§

On 28th day of June, 2022, personally appeared before me, a Notary Public, **Kent D. Smith and Patsy S. Smith**, who, being by me duly sworn, did say that he/she is the Manager/Member of Kent and POat Smith Land, Co., LLC, and Idaho limited liability company and that said instrument was signed in behalf of said Limited Liability Company by the authority of its Articles of Organization and Operating Agreement, and the aforesaid individuals acknowledged to me that said Company executed the same.



[Signature]
 Notary Public
 Resides: Malad, ID
 Commission Expires: 7/6/2027

State of Idaho)
 County of Oneida)§

On this 28th day of June, 2022, personally appeared before me **Kent D. Smith, Trustee, and Patsy J. Smith, Trustee**, who, being by me duly sworn, did say that they are the Trustees of the **Kent D. and Pat Smith Living Trust dated December 22, 2015, and any amendments thereto**, and that said instrument was signed in behalf of said Trust by the authority of its Trust Agreement, and the aforesaid individuals acknowledged to me that said Trust executed the same.



[Signature]
 Notary Public

EXHIBIT A**PARCEL 1:**

Township 14 South, Range 33 East Boise Meridian, Oneida County, Idaho
Section 34; S 1/2 (RP0156000)

Township 15 South, Range 33, East Boise Meridian, Oneida County, Idaho

Section 3: NE 1/4 (RP0156400)

Section 9: S 1/2 NE 1/4, SE 1/4 E1/2 SW 1/4 (RP0157600)

Section 16: NE1/4, E1/2 NW 1/4, W1/2 SW1/4, W 1/2 NW 1/4 (RP0158000)

Together with Easement for Ingress and Egress Recorded April 14, 2022 under instrument number 163213

PARCEL 2:

The Southeast Quarter (SE 1/4), and part of the South- half of the Northeast Quarter (S1/2 NE1/4), Section 36, Township 14 South, Range 33 East B.M., lying south of Highway #37 described more fully as follows: that portion of the S1/2 NE 1/4 Section 36, lying South of the following described centerline of the State Highway #37: Beginning at Highway Station No. 532+00 said station being on the East line of said Section 36, North 165 feet of the East Quarter corner ; thence North 76° 22' West 2,733 feet more or less to the north-south centerline of said Section 36, which is approximately Highway Station 559+33, Subject to State of Idaho Easement No. 1072 to Utah Power Company for a power line.

The Southwest Quarter (SW1/4), and part of the Northwest Quarter (NW 1/4) Section 36, Township 14 South, Range 33 East, B.M., lying South of Highway #37, described more fully as follows: That portion of the NW 1/4 Section 36 lying Southerly of the following described centerline of State Highway #37, described as follows: Beginning at approximately Highway Station 559+33, which is the intersection point of the North-South centerline of said Section 36, and of the highway, which point is approximately North 165 feet and North 76° 22' West 2,733 feet from the East Quarter (E 1/4) corner of said section; thence continuing North 76° 22' West 2733 feet to Station approximately 586+66 which is the intersection point of the centerline of said highway and West Line of said Section 36. Station is approximately 1,195 feet South of the Northwest corner of said Section 36, acres more or less. Subject to State of Idaho Easement #1072 to Utah Power.

PARCEL 3:

Township 14 South, Range 33, East Boise meridian, Oneida County, Idaho, Section 33: W1/2 SW1/4.
(RP0155700)

EXCEPTING THEREFROM: (HOME)

Commencing at a corner fence post on the North line of the County Road, approximately 330 feet North of the Southwest corner of Section 33, Township 14 South, Range 33 East, Boise Meridian, Oneida County, Idaho; thence running North 480 feet; thence East 380 feet; thence South 200 feet; thence East 40 feet; thence South 280 feet; thence West 400 feet to the point of beginning.

PARCEL 4:

Township 14 South, Range 33, East Boise meridian, Oneida County, Idaho, Section 32: E1/2SE1/4
(RP0155100)



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

November 09, 2022

LEX SMITH
BO J SMITH
5337 S 21000 W
HOLBROOK ID 83243-5119

Re: Change in Ownership for Water Right No(s): 17-7051, 17-2029, 17-7190, 17-4023

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.

Water right number 17-4023 was also listed on your application, however the ownership change for that water right was already complete, therefore you are entitled to a partial refund of \$25.00.

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 Barg
Technical Records Specialist 1

Enclosure(s)

cc: THE BANK OF COMMERCE

Barg, Jonie

From: Barg, Jonie
Sent: Monday, November 14, 2022 12:43 PM
To: IdwrPayable
Subject: Refund Request
Attachments: Receipt.PDF

Good afternoon!

I have a refund request as follows:

Receipt number: E048675
Amount: \$25.00
Payable to BO SMITH
5337 S 21000 W
HOLBROOK ID 83243

Reason: Ownership Change filed for 4 water rights, paid \$100.00. One of the water rights was previously updated. Therefore, the applicant is entitled to a partial refund of this receipt.

Thank you so much for your time. Let me know if you have any questions.

Have a great day!!!



IDAHO DEPARTMENT OF
WATER RESOURCES

Jonie Barg | Technical Records Specialist
900 N Skyline Drive Ste. A, Idaho Falls, ID 83402
Phone number: (208) 525-7161
Fax number: (208) 525-7177
Email: jonie.barg@idwr.idaho.gov
Website: www.idwr.idaho.gov