

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOV 17 2022

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Department of Water Resources
Eastern Region

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?
34-14408 <i>OK</i>	Yes ☐	Yes ☐	34-14413 <i>OK</i>	Yes ☐	Yes ☐
34-14409 <i>OK</i>	Yes ☐	Yes ☐	34-14414 <i>OK</i>	Yes ☐	Yes ☐
34-14410 <i>OK</i>	Yes ☐	Yes ☐	34-14415 <i>OK</i>	Yes ☐	Yes ☐
34-14411 <i>OK</i>	Yes ☐	Yes ☐	34-10206 <i>OK</i>	Yes ☐	Yes ☐
34-14412 <i>OK</i>	Yes ☐	Yes ☐	34-10302 <i>OK</i>	Yes ☐	Yes ☐

2. Previous Owner's Name: Terry Lynn Smith & Phyllis Jean Smith
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Douglas Brandon Smith and Danielle Lynn Smith
New owner(s) as listed on the conveyance document Name connector ☐ and ☒ or
- 4613 W 10800 N Tremonton UT 84337
Mailing address City State Zip
- 801-888-0422 danielle@bhmh.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: _____
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.

SUPPORT DATA

IN FILE # 34-10306

8. Signature: [Signature] Title, if applicable: _____ Date: 11/10/22
Signature of new owner/claimant
- Signature: [Signature] Title, if applicable: _____ Date: 11/10/22
Signature of new owner/claimant
- Douglas Brandon Smith Danielle Smith
Print name Print name

For IDWR Office Use Only: \$275. - for this app
Received by M. Felts Date 11-17-22 Receipt No. 5048734 Receipt Amt. 550.00
Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing
Name on W-9 _____ Approved by [Signature] Processed by [Signature] Date 11/28/2022 W-9 received? Yes ☐ No ☐

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?
34-10303 <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: Terry Lynn Smith & Phyllis Jean Smith

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Douglas Brandon Smith and Danielle Lynn Smith

New owner(s) as listed on the conveyance document

Name connector ☐ and ☒ or

4613 W 10800 N

Tremonton

UT

84337

Mailing address

City

State

Zip

801-888-0422

danielle@bhmh.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: _____
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: *[Signature]* Title, if applicable _____ Date 11/10/22

Signature of new owner/claimant

Title, if applicable

Date

Douglas Brandon Smith

Print name

Signature: *[Signature]* Title, if applicable _____ Date 11/10/22

Signature of new owner/claimant

Title, if applicable

Date

Danielle Smith

Print name

For IDWR Office Use Only:

Received by _____ Date _____ Receipt No. _____ Receipt Amt. _____

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 _____

NOV 29 2012

QUITCLAIM DEED

11:06 A.M.
BUTTE COUNTY RECORDER
B. J. Woodbury

FOR VALUABLE CONSIDERATION RECEIVED, Terry L. Smith, a married man, the Grantor, does hereby REMISE, RELEASE and forever QUITCLAIM, unto Terry Lynn Smith and Phyllis Jean Smith, husband and wife, whose current address is 3403 North U.S. Highway 93, Moore, ID 83255, the following described real estate situated in Township 5 North, Range 26 E.B.M., Butte County, State of Idaho, to-wit:

Section 7: Lots 6 and 7.

Section 8: All that portion of the SW1/4 Section 8, lying West of U.S. Highway 93A.

Section 17: NW1/4; E1/2 SW1/4; and that portion of the E1/2 lying West of U.S. Highway 93A,
EXCEPTING THEREFROM: Commencing at a point S. 89°53' W. along the Section line 269.6 feet from the SE corner of said Section 17, said point being the intersect point of the Section line and the West right-of-way of Highway 93A, and running thence N.22°47'W. along said right-of-way 556.00 feet; thence S.67°13'W 1315.30 feet; thence N.89°53'E. along the Section line 1428.00 feet to the real point of beginning.

Section 18: Lots 1 and 2.

TOGETHER, with all tenements, hereditaments and appurtenances thereunto belonging.

In construing this Deed and where the context so requires, the singular includes the plural and the masculine, the feminine and neuter.

DATED this 28th day of November, 2012.

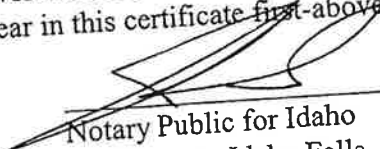
Terry L. Smith
Terry L. Smith

STATE OF IDAHO)
) ss.
County of Bonneville)

ON THIS 28th day of November, 2012, before me, Kristopher D. Meek, a Notary Public in and for said State, personally appeared Terry Lynn Smith, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he 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.

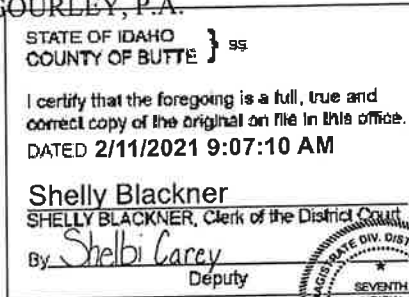




Notary Public for Idaho
Residing at: Idaho Falls
My Commission Expires: June 25, 2013

Filed: 02/05/2021 11:48:58
Seventh Judicial District, Butte County
Shelly Blackner, Clerk of the Court
By: Deputy Clerk - Bragg, Candy

KELLY C. STEVENSON, ISB# 10958
JONES♦WILLIAMS♦FUHRMAN♦GOURLEY, P.A.
The 9th and Idaho Center
225 N. 9th Street, Suite 820
P.O. Box 1097
Boise, ID 83702
Telephone (208)331-1170
Facsimile (208)331-1529
kstevenson@idalaw.com



BUTTE COUNTY
Recorded for:
Jones Williams Fuhrman Gou
10:29:30 AM 02-11-2021
0000-059075
No. Pages: 5 Fee: \$22.00
SHELLY SHAFFER
County Clerk
Deputy: KG

Attorney for Petitioner, Phyllis J. Smith

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BUTTE

IN THE MATTER OF THE ESTATE OF

TERRY LYNN SMITH

Deceased.

CASE NO. CV12-21-0008

AMENDED DECREE VESTING
ESTATE IN SURVIVING
SPOUSE
(I.C. 15-3-1205)

Upon consideration of the Petition for Summary Administration of Estate of Which Surviving Spouse is Sole Beneficiary filed by Phyllis J. Smith on January 19, 2021 the Court finds that:

1. The facts set forth in the Petition are true.
2. The required notice has been given or waived.
3. The decedent, Terry Lynn Smith, died on July 19, 2020, domiciled in Butte County, Idaho.
4. Venue is proper.
5. The decedent and Phyllis J. Smith were married in St. George, Utah on July 5, 1996, and remained married until the date of the decedent's death.

6. The surviving spouse, Phyllis J. Smith, is the sole devisee of the decedent's Estate.
7. The decedent died testate, leaving a will dated November 28, 2012. The will was validly executed and is the last will of the decedent. The will has been submitted to the Court.
8. The Schedule A attached to this Decree is a full and complete inventory of the property owned by the decedent and properly characterizes the property as community or separate property.

THEREFORE, it is ordered, adjudged, and decreed as follows:

1. Phyllis J. Smith is the surviving spouse of the decedent and is the sole devisee of the decedent's estate.
2. The property of the decedent described on the Schedule A attached to this Decree is hereby vested in and distributed to Phyllis J. Smith free and clear of all right, title, claim or demand of any person or persons claiming or attempting to claim under the estate of the decedent as heir, devisee, or otherwise, except as a proper creditor. All income and gain derived from such property shall be the sole and separate property of said surviving spouse.
3. The surviving spouse shall assume and be liable for any and all indebtedness that might be a claim against the estate of the decedent.
4. There shall be no administration of the estate of the decedent.

February 5, 2021

DATED this ____

2/5/2021 11:45 AM



MAGISTRATE



SCHEDULE A

Butte County Real Property:

An undivided interest in and to that certain real property situated in Township 5 North, Range 26 E.B.M., Butte County, State of Idaho, to wit:

Section 7: Lots 6 and 7.

Section 8: All that portion of the SW1/4 Section 8, lying West of U.S. Highway 93A.

Section 17: NW1/4; E1/2 SW1/4; and that portion of the E1/2 lying West of U.S. Highway 93A,

EXCEPTING THEREFROM: Commencing at a point S. 89°53' W. along the Section line 269.6 feet from the SE corner of said Section 17, said point being the intersect point of the Section line and the West right-of-way of Highway 93A, and running thence N.22°47'W. along said right-of-way 556.00 feet; thence S.67°13'W 1315.30 feet; thence N.89°53'E. along the Section line 1428.00 feet to the real point of beginning.

Section 18: Lots 1 and 2.

Together with all tenements, hereditaments, and appurtenances thereto.

In addition, an undivided interest in and to that certain real property located in Butte County, State of Idaho, more particularly described as:

The NW corner of the NW1/4 of the NE1/4 Township 5 North Range 26 East, from this mid-section point on the north boundary of Section 17, 166 feet South 18 degrees East to the point of beginning, thence S 22 degrees E, 807 ft. to a point, thence S 60 degrees W, 270 feet to a point, thence N 22 degrees W, 807 feet to a point, thence N 60 degrees E, 270 feet back to the point of beginning. An area of 5 acres M/L.

Together with all tenements, hereditaments, and appurtenances thereto.

Personal Property:

All tangible and intangible personal property, including but not limited to: checking and savings accounts, investment accounts, farm equipment, and farm implements (including any and all vehicles held in the joint names of Phyllis J. Smith and Terry L. Smith).

CLERK'S CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on 2/5/2021, I caused a true and correct copy of the above and foregoing document to be served upon the person(s) listed below by the following method:

Kelly C. Stevenson, ISB # 10958
Jones Williams Fuhrman Gourley, P.A.
225 N. 9th Street, Boise, Idaho, 83702
P: (208) 331-1170
Attorneys for Phyllis J. Smith

☐ Hand Delivered
☐ U.S. Mail
☐ Facsimile: (208) 331-1529
☒ Email/iCourt:
kstevenson@idalaw.com

Phyllis J. Smith
3403 North Highway 93
Moore, Idaho 83255

☐ Hand Delivered
☒ U.S. Mail
☐ Facsimile
☐ Overnight Mail

Douglas Smith
2458 N. 3550 W.
Plain City, UT 84404

☐ Hand Delivered
☒ U.S. Mail
☐ Facsimile
☐ Overnight Mail

KayLynn Love
2458 N. 3550 W.
Plain City, UT 84404

☐ Hand Delivered
☒ U.S. Mail
☐ Facsimile
☐ Overnight Mail

Taralee Smith
3101 E. Ashland City Road
Clarksville, TN 37043

☐ Hand Delivered
☒ U.S. Mail
☐ Facsimile
☐ Overnight Mail

Kimberly Wood
486 S. Main St.
Garland, UT 84312

☐ Hand Delivered
☒ U.S. Mail
☐ Facsimile
☐ Overnight Mail

Allen Wilkie
10940 E. Mercury Drive
Apache Junction, AZ 85220

☐ Hand Delivered
☒ U.S. Mail
☐ Facsimile
☐ Overnight Mail

Carrie Poindexter
3403 North Highway 93
Moore, Idaho 83255

☐	Hand Delivered
☒	U.S. Mail
☐	Facsimile
☐	Overnight Mail

2/5/2021 11:51:19 AM

Candy Bragg
CLERK



RECORDING REQUESTED BY
Flying S Title and Escrow of Idaho, Inc.

AND WHEN RECORDED MAIL TO:
Flying S Title and Escrow of Idaho, Inc.
168 West Pacific Street/PO Box 868
Blackfoot, ID 83221

BUTTE COUNTY
Recorded for:
Flying S Title and Escrow - BI
03:31:21 PM 11-14-2022
0000-060749
No. Pages: 3 Fee: \$15.00
SHELLY SHAFFER
County Clerk
Deputy: KG

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **1069492-B (jcm)**

Date: **November 09, 2022**

For Value Received, **Phyllis Jean Smith, an unmarried woman, also shown of record as Phyllis J. Smith**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Douglas Brandon Smith and Danielle Lyn Smith, husband and wife**, hereinafter called the Grantee, whose current address is **4613 West 10800 North, Tremonton, UT 84337**, the following described premises, situated in **Butte County, Idaho**, to-wit: **Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Date: **11/09/2022**

Warranty Deed
- continued

File No.: **1069492-B (jcm)**

Phyllis Jean Smith
Phyllis Jean Smith

STATE OF Idaho)
COUNTY OF Butte)
ss.

On this **9th day of November, 2022**, before me, a Notary Public in and for said State, personally appeared **Phyllis Jean Smith**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Juanita Monson
Notary Public for the State of Idaho
Residing at: Blackfoot, ID
My Commission Expires: 01/14/2025

Date: 11/09/2022

Warranty Deed
- continued

File No.: 1069492-8 (jcm)

EXHIBIT A

Township 5 North, Range 26 E.B.M., Butte County, Idaho

Section 7: Lots 6 and 7

Section 8: All that portion of the SW $\frac{1}{4}$ of Section 8, lying west of U.S. Highway 93A.

Section 17: NW $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$; and that portion of the E $\frac{1}{2}$ lying West of U.S. Highway 93A, Excepting therefrom: Commencing at a point S. 89°53' W. along the Section line 269.6 feet from the SE corner of said Section 17, said point being the intersect point of the Section line and the West right-of-way of Highway 93A, and running thence N. 22°47' W. along said right-of-way 556.00 feet; thence S. 67°13' W 1315.30 feet; thence N. 89°53' E. along the Section line 1428.00 feet to the real point of beginning.

Section 18: Lots 1 and 2



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 28, 2022

DOUGLAS BRANDON SMITH
DANIELLE LYNN SMITH
4613 W 10800 N
TREMONTON UT 84337-8720

Re: Change in Ownership for Water Right No(s): 34-10206, 34-10302, 34-10303, 34-14408, 34-14009, 34-14010, 34-14411, 34-14412, 34-14413, 34-14414, 34-14415

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 Barg
Technical Records Specialist 1

Enclosure(s)

cc: USDA FARM SERVICE AGENCY
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

November 21, 2022

DOUGLAS BRANDON SMITH
DANIELLE LYNN SMITH
4613 W 10800 N
TREMONTON UT 84337

RE: Change in Ownership Water Right No. 34-14408, 34-14409, 34-14410, 34-14411, 34-14412, 34-14413, 34-14414, 34-14415, 34-10206, 34-10302, 34-10303

Dear Sir/Madam:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership.

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

**** **Evidence of Ownership:** The department acknowledges receipt of a deed going into Terry and Phyllis Smith. Then a copy of a Decree vesting estate to surviving spouse being Phyllis Smith, however the application shows the new owner as Douglas and Danielle Smith. In order to update the water rights into the name of Douglas and Danielle Smith a copy of a vesting deed or other legal document indicating your ownership is required.

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

cc: Idaho AgCredit FLCA