Form 42-248/42-1409(6) July, 2000

RECEIVED
SEP 15 2005
Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
21-2141	same	A			
21-2141	same	B			

2. The following **REQUIRED** information must be submitted with this form:

   A. The appropriate **FILING FEE**. See instructions for fee amounts.

   B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

   C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
   PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

   OR

   If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s): Henry & Rose Kopfinger
   Island Park, Id 83429

4. New Owner/Claimant(s): Henry & Rose Kopfinger and Terry & Joanne Hoyne
   Name Connector (Check one): [ ] and, [✓] or, [ ] and/or

   New Mailing Address: 3010 Yale Wilgoe Rd. | Box 1259

   City, State and ZIP Code: Island Park, Id 83429 | Ketchum, Id 83340

   New Telephone Number: ( )

5. Date you acquired the property: 1964 | 9/6/90

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number 21-2141A (Henry Hopfinger)

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	.335 cfs	10 acres
Stock		
Domestic		
Other		
Total	.335 cfs / 67.5 AF	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number 21-2141B (Terry Hoyne)

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	.335 cfs	35 acres
Stock		
Domestic		
Other		
Total	.335 cfs / 67.5 AF	

7. Signature of New Owner(s) or Claimant(s) (include title if applicable) Henry Hopfinger

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
Receipted by _____ Date _____ Receipt No. _____
Processed by _____ AJ Date _____ WR _____ Date _____

EXHIBIT
tabbies
B

AFTER RECORDING MAIL TO:

Terry G. Hogue and Joanne L. Hogue
PO Box 1259
Ketchum, Idaho 83340

Microfilm No. 491495
Day 25 Oct 20 04
At 4:10 O'Clock P
ABBIE MACE
FREMONT CO RECORDER
Fee $ 9 Deputy
Recorded at Request of
First American Title Company

WARRANTY DEED

File No.: **100481-RX (II)**

Date: **October 21, 2004**

For Value Received, **HENRY KOPFINGER and ROSE KOPFINGER, Trustees, under the HENRY AND ROSE KOPFINGER LIVING TRUST, dated September 2, 2003**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Terry G. Hogue and Joanne L. Hogue, husband and wife,** hereinafter called the Grantee, whose current address is **PO Box 1259, Ketchum, ID 83340,** the following described premises, situated in **Fremont** County, **Idaho,** to-wit:

SEE ATTACHED LEGAL DESCRIPTION

EXCEPTING THEREFROM the present pipe and diversionary works carrying water to a domestic water system and power plant now serving Grantors retained home and property. Said system shall remain and be owned by Grantor in its present general location. Furthermore, Grantors shall retain a permanent easement of ingress and egress across the premises deeded to Grantees herein for the purpose or maintaining the serving said pipe and diversionary works (including any replacements thereof) used in connection with said power plant and water system.

TOGETHER WITH the following described water rights: .335 of Grantors original 0.670 c.f.s. of irrigation rights which includes 2.0 a.f.a of Recreational Storage rights in pond and stock water rights upon the premises presently held by Grantor in Idaho Department of Water Resources, Water Right No. 21-02141.

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.

491495

Date: **10/21/2004**

Warranty Deed
- continued

File No.: **100481-RX (II)**

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.

HENRY KOPFINGER and ROSE KOPFINGER, Trustees, or their successors in trust, under the HENRY AND ROSE KOPFINGER LIVING TRUST

Henry Kopfinger, Trustee

Rose Kopfinger, Trustee

STATE OF Idaho)
ss.
COUNTY OF Madison)

On this ~~Twenty-third day of August,~~ 25th day of Oct. **2004**, before me, a Notary Public in and for said State, personally appeared **HENRY KOPFINGER and ROSE KOPFINGER**, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument as Trustees of the **Henry and Rose Kopfinger Living Trust** Trust, and acknowledged to me that they executed the same as such Trustees.

LORNA - LEIGH
STATE OF IDAHO
NOTARY -- • -- PUBLIC

Notary Public of Idaho
Residing at: Idaho Falls, Idaho
Commission Expires: 2/16/2007

491495

Exhibit "A"

Real property in the County of Fremont, State of Idaho, described as follows:

BEGINNING AT THE NORTHWEST CORNER OF LOT 11 IN SECTION 6, TOWNSHIP 13 NORTH, RANGE 42 EAST OF THE BOISE MERIDIAN, FREMONT COUNTY, IDAHO, AND RUNNING THENCE SOUTH ALONG THE SECTION LINE 1314.78 FEET TO THE NORTHWEST CORNER OF THE FIRST AMENDED PLAT OF ISLAND PARK'S OLD WEST RANCHES SUBDIVISION NO. 1, THENCE N89°49'45"E 200.19 FEET ALONG THE NORTH LINE OF SAID OLD WEST RANCHES SUBDIVISION NO. 1 TO THE TRUE POINT OF BEGINNING, RUNNING THENCE N89°49'45"E 383.84 FEET ALONG SAID NORTH LINE, THENCE N1°47'08"E 765.46 FEET, THENCE N44°29'03"E 470.74 FEET, THENCE N61°16'15"W 442.40 FEET TO THE NORTH LINE OF LOT 11 IN SAID SECTION 6, THENCE S89°56'35"W 91.39 FEET ALONG SAID NORTH LINE, THENCE S11°06'43"W 1339.76 FEET TO THE TRUE POINT OF BEGINNING.

WARRANTY DEED

For Value Received Henry and Rose Kopfinger, husband and wife, of Post Office Box 224, Island Park, Idaho (83429),

the grantors, do hereby grant, bargain, sell and convey unto Terry G. and Joanne L. Hogue, husband and wife,

the grantees whose current address is Post Office Box 1259, Ketchum, Idaho (83340),

the following described premises, in Fremont County Idaho, to-wit:

Beginning at the Northwest corner of Lot 11 in Section 6, Township 13 North, Range 42 East, Boise Meridian, Fremont County, Idaho; running thence South along the Section line 1314.78 feet to the Northwest corner of the First Amended Plat of Island Park's Old West Ranches, Subdivision No. 1; thence North 89 degrees 49'45" East 584.03 feet along the North line of said Old West Ranches, Subdivision No. 1 to the TRUE POINT OF BEGINNING; running thence North 89 degrees 49'45" East 1319.26 feet along said North line to the East Line of the Northwest 1/4 of Said Section 6; thence North 0 degrees 10'54" West 460.97 feet along said East line of the Northwest 1/4; thence North 3 degrees 43'12" West 630.29 feet; thence North 68 degrees 56'23" West 275.33 feet; thence North 61 degrees 12'04" West 251.21 feet; thence South 44 degrees 29'03" West 470.74 feet; thence South 1 degree 47'08" West 765.46 feet to the TRUE POINT OF BEGINNING.

Including all mineral, oil, gas, and water rights appurtenant thereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated September 14, 1999

Henry Kopfinger
HENRY KOPFINGER

Rose Kopfinger
ROSE KOPFINGER

STATE OF IDAHO, COUNTY OF Fremont

On this 14th day of September, 99 before me, a notary public in and for the said State, personally appeared Henry Kopfinger and Rose Kopfinger, husband and wife

known or identified to me to be the person whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public
Idaho

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request of

at 54 minutes past 3 o'clock P.M., this 24 day of Sept 1999, in my office, and duly recorded in Book of Deeds at Page

Ex-Officio Recorder

By Deputy.

Fee

Mail to First American Title Co.

INSTRUMENT NO. 415720

AFTER RECORDING, RETURN TO TERRY G. AND JOANNE L. HOGUE, P.O. Box 1259, Ketchum, ID 83340

EXHIBIT 4

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718
PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us
EASTERN REGION

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

September 20, 2005

TERRY & JOANNE HOGUE
PO BOX 1259
KETCHUM ID 83340

RE: CHANGE IN OWNERSHIP FOR 21-2141

Dear Mr. & Mrs. Hogue:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

21-2141 split into:
21-12975: 0.335 cfs, 10 acres, Kopfinger
21-12976: 0.335 cfs, 35 acres, Hogue

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Crabtree
Technical Records Specialist