

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-111  
Date Received: 10/25/1988  
Receipt No: M001721  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GRACE EAKIN Phone: (208)788-4061  
28 PERO RD  
PO BOX 296  
BELLEVUE ID 83313

ESTATE OF JAMES IVAN EAKIN Phone: (208)788-4061  
PO BOX 296  
28 PERO RD  
BELLEVUE ID 83313

2. Date of Priority: 04/17/1883

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 02N      | 18E   | 36      | NE SW NW              | BLAINE |      |

5. Description of diverting works:

HEADGATE #45 AND DISTRICT CANAL

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 4/01 | 11/01 | 0.06   |            |

7. Total Quantity Appropriated is:  
0.06 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 | of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|--------|-----|---------------|-------|
| 01N      | 18E   | 25      | NE  |        | NE  | IRRIGATION    | 40    |
|          |       |         | NW  |        | NE  | IRRIGATION    | 40    |
|          |       |         | SW  |        | NE  | IRRIGATION    | 40    |
|          |       |         | SE  |        | NE  | IRRIGATION    | 40    |
|          |       |         |     |        |     | Section Acres | 160   |
|          |       |         |     |        |     | Total Acres   | 160   |

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed

# 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, 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<br>Right No(s)      | Adjudication<br>Claim No(s) | Split | Water<br>Right No(s) | Adjudication<br>Claim No(s) | Split |
|---------------------------|-----------------------------|-------|----------------------|-----------------------------|-------|
| 37-111                    |                             |       | 37-475               |                             |       |
| 37-112                    |                             |       | 37-476               |                             |       |
| 37-116                    |                             |       | 37-477               |                             |       |
| 37-234B                   |                             |       | 37-577V              |                             |       |
| 37-418E                   |                             |       | 37-886V              |                             |       |
| 25.03 37-11116 (Domestic) |                             |       | 37-7064F             |                             |       |

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**FEB 13 2006**

Department of Water Resources  
Southern Region

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) are 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)

James I Eakin

PO Box 296

4. New Owner/Claimant(s)

Bellevue, ID 83313

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

Estate of James Ivan Eakin

City, State and ZIP Code

Box 296 - 28 Pers Road

New Telephone Number

(208) 788-4061

5. Date you acquired the property

personal representative  
Grace Eakin  
Box 296 - 28 Pers Road  
Bellevue, ID 83313

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<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____                                                                      |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____                                                                      |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

7. Signature of New Owner(s) or Claimant(s) Grace Eakin  
(include title if applicable) Personal Representative

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 <u>NT</u>  | Date <u>02/13/06</u> | Fee <u>25.00</u>           |
| Receipted by <u>NT</u> | Date <u>02/13/06</u> | Receipt No. <u>5028392</u> |
| Processed by _____ AJ  | Date _____           | WR _____ Date _____        |

[Click here and type return address and phone and fax numbers]

**Company Name Here**

# Fax

To Nick

Treasure

From

Grace

Eakin

1(208)736-

3037

Pages: [Click here and type # of pages]

(208)736-

3033

Date: 3/6/2006

Re: Warranty Deeds

CC: Department of Water Resources

☐ Urgent

☐ For Review

☐ Please Comment

☐ Please Reply

☐ Please Recycle

• **Comments:**

Here are the documents you are needing. Grace

RECEIVED

MAR 06 2006

Department of Water Resources  
Southern Region

8883

## WARRANTY DEED

For Value Received John Fell Stevenson, a married man dealing with his sole and separate property,

the grantor , do es hereby grant, bargain, sell and convey unto James I. Eakin and

Grace Eakin, husband and wife,

the grantees , whose current address is Route #1, Bellevue, Idaho, 83313.

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

Township 1 North, Range 18 East, Boise  
Meridian, Blaine County, Idaho

Section 24: SE $\frac{1}{4}$  SE $\frac{1}{4}$

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Department of Water Resources  
Southern Region

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

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

Dated: April 28, 1980.

John Fell Stevenson  
John Fell Stevenson

STATE OF IDAHO, COUNTY OF Blaine

On this 28<sup>th</sup> day of March, 1980, before me, a notary public in and for the said State, personally appeared John Fell Stevenson,

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Residing at Hailey, Idaho  
Comm. Expires Indefinite

Notary Public

STATE OF IDAHO, COUNTY OF Blaine

I hereby certify that this instrument was filed for record at the request of Sawtooth Title Co.

at 50 minutes past 3:00 o'clock P M.,  
this 23 day of May,  
1980, in my office, and duly recorded in Book  
of Deeds at Page

MARIE VIE LIRA  
Ex-Officio Recorder

By Kathy Stump Deputy.

Fees \$ 2.00  
Mail to:

INSTRUMENT NO. 203780

EXHIBIT A

## WARRANTY DEED

For Value Received

HAROLD DRUSSEL and DOROTHY DRUSSEL, husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto  
JAMES I. EAKIN and GRACE I. EAKIN, husband and wife,  
the grantees, whose current address is Box 296, Bellevue, Idaho 83313

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

TOWNSHIP 1 NORTH of RANGE 18 EAST of the BOISE  
MERIDIAN, BLAINE COUNTY, STATE OF IDAHO.

SECTION 25: E $\frac{1}{2}$ N $\frac{1}{2}$ E $\frac{1}{2}$ , EXCEPT road right of way  
over the East 25 feet and North  
25 feet thereof;  
W $\frac{1}{2}$ N $\frac{1}{2}$ E $\frac{1}{2}$ , EXCEPT right of way for  
Highway over the Northwesterly  
portion thereof.

TOWNSHIP 1 NORTH of RANGE 19 EAST of the BOISE  
MERIDIAN, BLAINE COUNTY, STATE OF IDAHO.

SECTION 30: SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
All of Lot 2, EXCEPT road right  
of way and ditch right of way  
over the West 75 feet of said  
Lot 2.

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Department of Water Resources  
Southern Region

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 are 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:

Harold Drussel  
Harold Drussel

Dorothy Drussel  
Dorothy Drussel

STATE OF IDAHO, COUNTY OF Blaine

On this 28th day of March, 1977,  
before me, a notary public in and for the said State, personally appeared HAROLD DRUSSEL and  
DOROTHY DRUSSEL, husband and wife,

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

Judith A. Fry  
Notary Public  
Residing at Hailey, Idaho

STATE OF IDAHO, COUNTY OF

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

at \_\_\_\_\_ minutes past \_\_\_\_\_ o'clock M.,  
this \_\_\_\_\_ day of \_\_\_\_\_  
19 \_\_\_\_\_, in my office, and duly recorded in Book  
of Deeds at Page \_\_\_\_\_

Ex-Officio Recorder

By \_\_\_\_\_ Deputy.

Fees \$  
Mail to:

INSTRUMENT NO.

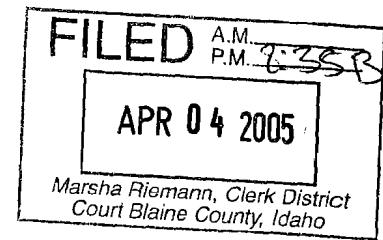
Melville W. Fisher II (ISB 2136)  
BATT & FISHER, LLP  
101 S. Capitol Blvd., Suite 500  
P.O. Box 1308  
Boise, ID 83701  
Phone: (208) 331-1000  
Fax: (208) 331-2400

Attorney for Applicant

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MAR 06 2006

Department of Water Resources  
Southern Region



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE  
MAGISTRATE DIVISION

|                                  |                             |
|----------------------------------|-----------------------------|
| IN THE MATTER OF THE ESTATE OF ) | CASE NO. CV 2004-1138       |
| )                                |                             |
| JAMES IVAN EAKIN,                | )                           |
| )                                | DISCLAIMER AND RENUNCIATION |
| )                                |                             |
| Deceased.                        | )                           |
| )                                | (I.C. 15-2-801)             |
| )                                |                             |

---

COMES NOW, Grace I. Eakin, being over the age of majority, the surviving spouse of James Ivan Eakin, deceased, and, pursuant to Idaho Code section 15-2-801 and sections 2046 and 2518 of the Internal Revenue Code of 1986, hereby states as follows:

1. James Ivan Eakin died intestate on November 15, 2004, in Blaine County, Idaho, leaving an estate consisting of his one-half interest in community property situated in Idaho.
2. I am the surviving spouse and the heir at law of James Ivan Eakin, deceased.
3. With respect to the property or interest in property being renounced hereby, I have made no assignment, conveyance, encumbrance, pledge, or transfer of the property or interest in the property; I have executed no written waiver of the right to renounce; I have not accepted the property

or any interest in the property or benefit thereunder; and no sale of the property or interest in the property under judicial sale has been made.

4. I desire to renounce and disclaim irrevocably and without qualification or limitation an amount of property from the estate of James Ivan Eakin, deceased, equal to Seven Hundred Thousand and No/100 Dollars (\$700,000.00).

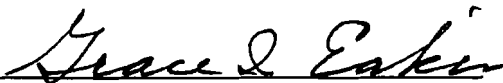
NOW, THEREFORE, I, Grace I. Eakin, pursuant to Idaho Code section 15-2-801 and sections 2046 and 2518 of the Internal Revenue Code, hereby irrevocably and without qualification or limitation renounce and disclaim an amount of property from the estate of James Ivan Eakin, deceased, equal to Seven Hundred Thousand and No/100 Dollars (\$700,000.00). The personal representative of the estate of James Ivan Eakin, deceased, shall satisfy the amount so determined in cash or in kind, or partly in each.

DATED this 23<sup>rd</sup> day of March, 2005.

RECEIVED

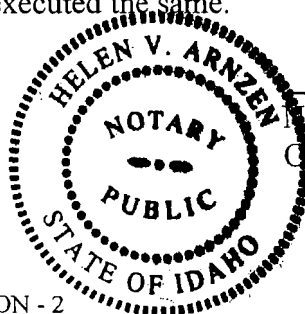
MAR 28 2006

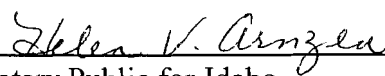
Department of Resources  
Southern Region

  
Grace I. Eakin

STATE OF IDAHO                    )  
                                              ) ss.  
County of Ada                    )

On this 23<sup>rd</sup> day of March, 2005, before me, a notary public in and for the said State, appeared before me Grace I. Eakin, the surviving spouse of James Ivan Eakin, deceased, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



  
Notary Public for Idaho  
Commission Expires: 1/24/2009

**CERTIFICATE OF VITAL RECORD**

**STATE OF IDAHO**  
IDAHO DEPARTMENT OF HEALTH AND WELFARE  
BUREAU OF HEALTH POLICY AND VITAL STATISTICS  
**CERTIFICATE OF DEATH**

Date Filed DECEMBER 06, 2004

State File No. 2004-08812

|                                                                                                                                                                                                             |                                                            |                                                                        |                                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|------------------------------------------------------------------------|----------------------------------------------------------------|
| DECEDENT - LEGAL NAME<br><b>JAMES IVAN EAKIN</b>                                                                                                                                                            |                                                            |                                                                        |                                                                |
| SEX<br><b>MALE</b>                                                                                                                                                                                          | SOCIAL SECURITY NUMBER<br><b>518-42-6751</b>               | AGE<br><b>75 YEARS</b>                                                 | DATE OF BIRTH<br><b>NOVEMBER 08, 1929</b>                      |
| BIRTHPLACE<br><b>JEROME, IDAHO</b>                                                                                                                                                                          |                                                            | PLACE OF RESIDENCE<br><b>BELLEVUE, IDAHO</b>                           |                                                                |
| MARITAL STATUS AT TIME OF DEATH<br><b>MARRIED</b>                                                                                                                                                           |                                                            | NAME OF SURVIVING SPOUSE (If wife, maiden name)<br><b>GRACE HOBSON</b> | WAS DECEDENT EVER IN U.S. ARMED FORCES?<br><b>NO</b>           |
| FATHER - NAME<br><b>EDWARD C. EAKIN</b>                                                                                                                                                                     |                                                            |                                                                        | BIRTHPLACE<br><b>PENNSYLVANIA</b>                              |
| MOTHER - MAIDEN NAME<br><b>DORIS L. FOUNTAIN</b>                                                                                                                                                            |                                                            |                                                                        | BIRTHPLACE<br><b>KANSAS</b>                                    |
| METHOD OF DISPOSITION<br><b>BURIAL</b>                                                                                                                                                                      |                                                            | FUNERAL SERVICE LICENSEE<br><b>DWAIN MARK DEMARAY</b>                  |                                                                |
| NAME AND ADDRESS OF FUNERAL FACILITY<br><b>DEMARAY FUNERAL SERVICE, GOODING, IDAHO</b>                                                                                                                      |                                                            |                                                                        |                                                                |
| DATE OF DEATH<br><b>NOV. 15, 2004</b>                                                                                                                                                                       | TIME OF DEATH<br><b>6:44 P.M.</b>                          | CITY, TOWN OR LOCATION OF DEATH<br><b>BOISE, IDAHO</b>                 | COUNTY OF DEATH<br><b>ADA</b>                                  |
| CAUSE OF DEATH (underlying cause last)<br><b>a. SEPSIS</b>                                                                                                                                                  |                                                            |                                                                        | Approximate Interval Between Onset and Death<br><b>10 DAYS</b> |
| DUE TO (or as a consequence of):<br><b>b. IMMUNOSUPPRESSION</b>                                                                                                                                             |                                                            |                                                                        | <b>3 MONTHS</b>                                                |
| DUE TO (or as a consequence of):<br><b>c. KIDNEY TRANSPLANT</b>                                                                                                                                             |                                                            |                                                                        | <b>3 MONTHS</b>                                                |
| DUE TO (or as a consequence of):<br><b>d. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH but not resulting in the underlying cause given above</b><br><b>ESRD, AORTIC STENOSIS, HYPERPARATHYROIDISM</b> |                                                            |                                                                        | WAS AN AUTOPSY PERFORMED?<br><b>NO</b>                         |
| MANNER OF DEATH<br><b>NATURAL</b>                                                                                                                                                                           | NAME OF CERTIFIER<br><b>DONALD ROBERT MORRIS JR., M.D.</b> |                                                                        | TITLE<br><b>PHYSICIAN</b>                                      |
| CORONER SUBSEQUENT CERTIFICATION IF NECESSARY                                                                                                                                                               |                                                            |                                                                        |                                                                |
| <b>EXTERNAL CAUSES ONLY</b>                                                                                                                                                                                 |                                                            |                                                                        |                                                                |
| DATE OF INJURY                                                                                                                                                                                              | TIME OF INJURY                                             | PLACE OF INJURY                                                        | INJURY AT WORK?                                                |
| LOCATION WHERE INJURY OCCURRED                                                                                                                                                                              |                                                            |                                                                        |                                                                |
| DESCRIPTION OF HOW INJURY OCCURRED                                                                                                                                                                          |                                                            |                                                                        |                                                                |

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**MAR 06 2006**

Department of Water Resources  
Southern P.

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF HEALTH POLICY AND VITAL STATISTICS.

DATE ISSUED: DECEMBER 07, 2004

This copy is not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

*Jane S. Smith*

JANE S. SMITH  
STATE REGISTRAR





State of Idaho

## DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

March 9, 2006

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

GRACE EAKIN  
ESTATE OF JAMES IVAN EAKIN  
PO BOX 296  
BELLEVUE ID 83313

Re: SRBA Claim      #37-111, #37-112, #37-116, #37-234B, #37-418E,  
#37-475, #37-476, #37-477, #37-577V, #37-886J,  
#37-7064F

Dear Claimants,

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the records of current ownerships to you. Please find the enclosed copies of the computer records of the claims noting the change in claimants. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Carrie Hahn  
Office Specialist

Enc.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-00111  
Date Received: 8/25/1988  
Receipt No: M 80172-1  
Received By: J.P. / EMC

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: JAMES I. EAKIN 208-788-4061  
Address: BOX 296  
BELLEVUE, ID 83313

2. Date of Priority: APR 17, 1883

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 02N      | 18E   | 36      | NE     | SW     | NW  |     | BLAINE |

5. Description of diverting works:  
HEADGATE #45 AND DISTRICT CANAL

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.060  |      |        |

7. Total Quantity Appropriated is:  
0.060 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 400.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 01N      | 18E   | 25      | NE     | NE  |     | IRR | 40.0  |
|          |       |         | NW     | NE  |     | IRR | 40.0  |
|          |       |         | SW     | NE  |     | IRR | 40.0  |

A37-00111

Page 1

Date: 08/25/88

MICROFILMED  
FEB 22 1993

10. Place of Use: Continued

| Township      | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|---------------|-------|---------|------------|-----|-----|-------|
| 01N           | 18E   | 25      | SE NE      |     | IRR | 40.0  |
| Section Acres |       |         |            |     |     | 160.0 |
| Total Acres   |       |         |            |     |     | 160.0 |

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

37-0577Y,0112,0475,0116,0476,0477,7064,0886J,0418D,0234B

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

S. C. FROST, ET. AL.

Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.

Decree Defendant

MICROFILMED  
FEB 22 1993

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not x wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

**For Individuals:**

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): James L. Eaton Date: 25 Oct 1988  
Date: \_\_\_\_\_

State of Idaho )  
County of Blaine ) SS.

Subscribed and sworn (or affirmed) before me this 25 day  
of Oct 19 88 Chicki L. Dick  
Notary Public

Seal

Residing at Bellevue  
My Commission Expires 2/27/92

MICROFILMED  
FEB 22 1993



01/05/2007

IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-111

NAME AND ADDRESS: GRACE EAKIN  
28 PERO RD  
PO BOX 296  
BELLEVUE ID 83313

ESTATE OF JAMES IVAN EAKIN  
28 PERO RD  
PO BOX 296  
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.060 CFS

PRIORITY DATE: 04/17/1883

POINT OF DIVERSION:

T02N R18E S36 NESWNW Within BLAINE County  
Water diverted from Headgate #45 delivered through District Canal.

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/15 10/31          | 0.060 CFS       |

PLACE OF USE: IRRIGATION in BLAINE County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T01N R18E S25 | NENE | 37.00 | T01N R18E S25 | NWNE | 37.00 |
| T01N R18E S25 | SWNE | 40.00 | T01N R18E S25 | SENE | 40.00 |

154 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 154 acres in a single irrigation season. Combined Right Nos.: 37-475, 37-234B, 37-116, 37-111, 37-21805, 37-112, 37-886J, 37-477, 37-577V, 37-418E, and 37-21807.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



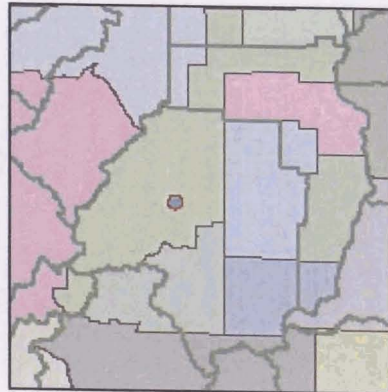
# Idaho Department of Water Resources

SRBA Recommendation:

**37-577V, 37-475, 37-234B,  
37-116, 37-111, 37-21805,  
37-112, 37-886J, 37-477,  
and 37-418E**

## Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Blaine County  
IDWR Basin 37

Prepared by N. Erickson  
On Friday, January 5, 2007  
~~1997-2000~~ Aerial Photography  
2004





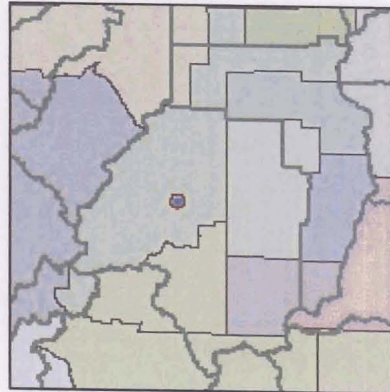
# Idaho Department of Water Resources

SRBA Recommendation:

37-475, 37-234B, 37-116,  
37-111, 37-21805, 37-112,  
37-886J, 37-477, 37-577V,  
and 37-418E

## Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Blaine County  
IDWR Basin 37



0 2 4 Miles

Prepared by N. Erickson  
On Thursday, November 16, 2006  
2004 Aerial Photography

## Treasure, Nick

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**From:** Treasure, Nick  
**Sent:** Thursday, March 09, 2006 12:02 PM  
**To:** Spencer, Nick  
**Subject:** RE: change of ownership docs

Thanks Nick, that clears up a lot on the renunciation question. We will go ahead and change ownership as you have explained and hopefully we will soon receive a personal representative deed in the near future to get the ownership into Grace's name alone.

Thank-you for your guidance.

NT

-----Original Message-----

**From:** Spencer, Nick  
**Sent:** Thursday, March 09, 2006 11:43 AM  
**To:** Treasure, Nick  
**Subject:** RE: change of ownership docs

Hi Nick. What you have provided is enough to change the ownership on the water rights over to Grace Eakin and the Estate of James Eakin. It is not enough to put the rights into the name of Grace Eakin alone. The warranty deed shows that James and Grace owned the property together. Since Idaho is a community property state that means that each owned a fifty percent undivided interest in the property described in the deed. When James dies, the question becomes who gets his fifty percent undivided interest. Since he died intestate, that is, without leaving a will, his fifty percent undivided interest otherwise would pass by operation of law to his surviving spouse. So, without anything else at that point, Grace would own the entire property: the fifty percent she owned outright, plus the fifty percent she received from her dead husband by operation of law. However, she has filed a disclaimer and renunciation with the probate court. This document basically says that "I, Grace, don't want everything I'm entitled to. I refuse to take \$700,000 worth of the property. Judge, put it back into the estate." Presumably a renunciation like this is done to somehow avoid estate taxes. I am not familiar with how that works. However, the Idaho Uniform Probate Code in effect provides that when the surviving spouse of somebody who died intestate renounces all or part of what she is legally entitled to, then the law treats the property as if she had died before her husband. In other words her interest in the property is treated as if it had gone to her husband, and then when he died it would skip her and go to the next of kin in line after her, which is their kids assuming they have kids. Therefore Grace no longer owns \$700,000 worth of the property. The dead guy's estate owns it, until the personal representative conveys it out of the estate to the next of kin, presumably the kids. Therefore, Grace's name goes onto the ownership line on the water rights by virtue of the fifty percent of the property she owned pursuant to the deed. Then her name also goes onto the water rights by virtue of however much above \$700,000 the fifty percent undivided interest she received from her dead husband by operation of law is worth. And then the Estate of James Eakin goes onto the water right by virtue of Grace's renunciation of \$700,000 of the property she was otherwise entitled to receive by operation of law. That is as far as we can go in changing the ownership at this point. At some point the personal representative of the Estate of James Eakin (who happens to be Grace) will have to convey the \$700,000 worth of property out of the estate and over to the next of kin. At that point we will be able to process another change of ownership to take the estate's name off the water rights, and add the next of kin's name. But you are exactly right: we will need to see a deed from the personal representative to the next of kin before we can do that. Is this as clear as mud? If you have any other questions, let me know. NBS

-----Original Message-----

**From:** Treasure, Nick  
**Sent:** Thursday, March 09, 2006 10:31 AM  
**To:** Spencer, Nick  
**Subject:** change of ownership docs

Nick,

I was hoping for a little guidance on a "change of ownership" we are dealing with. There are 12 water claims under the name of James Mecham who has recently passed away. His wife, Grace Eakin, never had her name on any of the water rights. She filled out a "change of ownership" to put the James Mecham files into the Estate of James Mecham, and would actually like to go a step further and put all the files into her name- Grace Eakin.

Attached is everything she has provided us. I suggested a Personal Representative Deed. However she submitted a warranty deed for the properties, a death certificate and something that I am not familiar with that maybe you could explain-"Disclaimer and Renunciation". This particular document makes it sound like she is renouncing the property of the estate.

Anyway, I would appreciate your opinion on what more I need or how I could legally complete this change of ownership.

Thank-you

<< File: 20060308154608581.pdf >>

*Nick Treasure  
Water Resource Agent  
Idaho Department of Water Resources  
1341 Fillmore St., Suite 200  
Twin Falls, ID 83301  
(208)736-3033*

## Memo

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From: Nick Treasure

Date: Feb 13, 2006

Subject: Snake River Basin Adjudication (SRBA) review of claim(s):  
37-476 Eakin

### *Change of ownership*

Grace Eakin came in to work on ownership of her deceased husband James Eakin. (See attached spreadsheet for a list all WR's associated with Eakin) Mrs. Eakin provided to the department from the district court a disclaimer and renunciation in the matter of the deceased James Ivan Eakin, stating that Grace Eakin is the heir of Mr. Eakin. Therefore Mrs. Eakin was able to file a Change of Ownership for all of James Eakin's adjudication claims to the Estate of James Eakin with herself as the personal representative.

All surface water rights claimed by James Eakin are claimed with the POU on 160 acres of Twp 01N Rng 18E Sec 25 NE. Mrs. Eakin wishes to file an unrecorded transfer that occurred between 1975-1980 on POU of some of these water right claims. She claims that 1 or more of these rights have historically been used in the SESE of 01N Rng 18E Sec 24. She would like to talk with her real estate agent Rob Struthers before she finalizes an unrecorded transfer.

March 6, 2006

### *Unrecorded transfer*

Grace Eakin came in today to amend the place of use of claim 37-476. The original claim's POU included the NE of Twp 01N Rng 18E Sec 25. Mrs. Eakin wished to amend the claim to reflect an unrecorded transfer that occurred between 1975-1980. The amendment adds 37 acres to the SESE of Twp 01N Rng 18E Sec 24 for a total of 197 acres. The remaining decreed surface rights, are to remain in the original 160 acres of Sec 25. After this unrecorded transfer, there are now 2 water rights that pertain to SESE of Sec 24: Decreed surface water right 37-476 and groundwater right 37-7064F.

Mrs. Eakin also had some disagreement on the ownership change that occurred in February. She believed that the ownership change would put all rights into the name of Grace Eakin not the estate of James Eakin. However the department does not have sufficient documentation to change ownership to the name of Grace Eakin. She provided me today with a warranty deed that conveyed the property to her and James Eakin, she also provided a death certificate of James Eakin. However to do this Change of Ownership I am requiring a Personal Representative Deed.