



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

March 23, 2007

ROBERT & YVONNE KINCAID
PO BOX 136
VICTOR ID 83455

RE: Notice of Change of Water Right Ownership (NCO) for
22-2296C and Notice of Completed Administrative Proceeding
(NCAP)

Dear Mr. and Mrs. Kincaid:

The Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for a portion of the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right(s).

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,


Jennifer Crabtree
Technical Records Specialist

Enclosure

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

In Re SRBA

Water Rights: 22-2296C split into
22-13681, 22-13682, 22-13683

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party TETON RAINBOW RANCH TO TETON RAINBOW RANCH,
STEVE & KAREN NELSON REVOCABLE TRUST, ROBERT & YVONNE KINCAID
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: March 21, 2007



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on March 23, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
TETON RAINBOW RANCH INC
665 S 450 W
VICTOR ID 83455

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
TETON RAINBOW RANCH INC ROBERT & YVONNE KINCAID
665 S 450 W PO BOX 136
VICTOR ID 83455 VICTOR ID 83455

STEVE & KAREN NELSON REVOCABLE TRUST
349 FRENCH AVE
GRASS VALLEY CA 95945

4. One copy to:

Each party in the subcase, or attorney of record
N/A

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

Jennifer Colette
Signature of person or attorney mailing the form

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
22-2296C		☒			

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) STEVE & KAREN NELSON REVOCABLE TRUST
349 FREUCH AVE.
GRASS VALLEY, CA 95945
4. New Owner/Claimant(s) ROBERT & YVONNE KINCAID
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 136
- City, State and ZIP Code VICTOR, IDAHO 83455
- New Telephone Number (208) 287-2713
5. Date you acquired the property JANUARY 19, 2005

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 boxes 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 <u>22-2296C</u>		
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	<u>86.8 CRS</u>	<u>4.34 ACRES</u>
Stock		
Domestic		
Other		
Total		

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 <u>22-2296C</u>		
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		
Stock		
Domestic		
Other		
Total		

Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

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 _____	Date _____	WR _____ Date _____

WARRANTY DEED

For Value Received Steven J. Nelson and Karen S. Nelson, Co-Trustees of the Steven J. Nelson and Karen S. Nelson Revocable Trust

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto Robert F. Kincaid and Yvonne Kincaid, husband and wife

whose address is: P.O. Box 136 Victor, Idaho 83455

Hereinafter called the Grantee, the following described premises situated in Teton County, , to-wit:

A part of the SE 1/4 SW 1/4 Section 14, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho being more particularly described as:

Commencing at the South 1/4 of said Section 14; Thence South 89°56'00" W 933.40 feet along the southern section line to the point of beginning;

Thence, S 89°56'00" W., 395.98 feet further along the southern section to a point;

Thence N 00°09'08" W., 466.70 feet to a point;

Thence N 89°56'00" E., 396.43 feet to a point;

Thence S 00°05'51" E., 466.70 feet to the point of beginning.

Subject to and together with a 65 foot wide road and utility easement along the Western property line. Subject to and together with 34 foot county road utility easement along the Southern property line.

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.

Dated: 1/19/2005

Steven J. Nelson

Karen S. Nelson

STATE OF IDAHO

COUNTY OF TETON

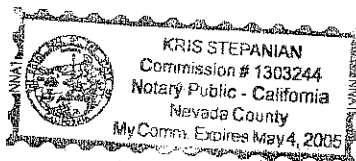
), ss.

On this 19th day of January, in the year of 2005, before me a Notary Public, personally appeared Steven J. Nelson and Karen S. Nelson, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) subscribed to the within instrument as Co-Trustees and acknowledged to me that they executed the same as such Co-Trustees.

Notary Public of Idaho

Residing at: Grass Valley

Commission Expires: 5-4-05



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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Incomplete forms will be returned.

- Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which a 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
22-2296C		☒			

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

- The appropriate **FILING FEE**. See instructions for fee amounts.
- A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document evidencing ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- 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 to the State Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

- Name and Address of Former Owner/Claimant(s)
STEVE & KAREN NELSON REVOCABLE TRUST
349 FRENCH AVE
GRASS VALLEY, CA 95945
- New Owner/Claimant(s)
ROBERT F. KINCAID
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address
P.O. Box 136
- City, State and ZIP Code
VECTOR, IDAHO 83455
- New Telephone Number
(208) 282-2713
- Date you acquired the property
JUNE 16, 1998

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 boxes 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 <u>22-2296C</u>		
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	<u>100 CFS</u>	<u>5 ACRES</u>
Stock		
Domestic		
Other		
Total		

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 <u>22-2296C</u>		
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		
Stock		
Domestic		
Other		
Total		

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

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

WARRANTY DEED

For Value Received STEVEN J. NELSON and KAREN S. NELSON, Co-Trustees of the STEVEN J. NELSON AND KAREN S. NELSON REVOCABLE TRUST (created by a Declaration Trust dated June 16, 1998)

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

ROBERT F. KINCAID

whose address is: P.O. BOX 136, VICTOR, ID 83455

Hereinafter called the Grantee, the following described premises situated in Teton County, Idaho, to-wit:

A part of the SE 1/4 SW 1/4 Section 14, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho, being further described as:

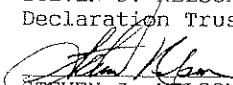
Commencing at the South 1/4 corner of said Section 14;
Thence S 89 degrees 56'00" W. along the South line of Section 14, 466.70 feet, to the point of beginning;
Thence S 89 degrees 56'00" W, along the South line of Section 14, 466.70 feet;
Thence N 0 degrees, 05'51" W, 466.70;
Thence N 89 degrees 56'00" E, 466.70 feet;
Thence S 0 degrees 05'51" E, 466.70 feet, to the point of beginning.

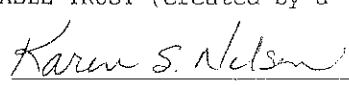
Subject to reservations in United States and State Patents; existing and recorded Right-of-ways, Easements, Zoning, Building and Subdivision ordinances; Taxes and Assessments as prorated between the parties hereto.

TO HAVE AND TO HOLD the said premises, with their 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.

Dated:

STEVEN J. NELSON and KAREN S. NELSON REVOCABLE TRUST (created by a Declaration Trust dated June 16, 1998)


STEVEN J. NELSON, Co-Trustee


KAREN S. NELSON, Co-Trustee

STATE OF IDAHO)

: ss

COUNTY OF TETON)

On this 8th day of July, in the year 1998, before me, a Notary Public in and for said State, personally appeared STEVEN J. NELSON and KAREN S. NELSON, known or identified to me to be the co-trustees of the STEVEN J. NELSON and KAREN S. NELSON REVOCABLE TRUST, and the co-trustees who subscribed said trust's name to the foregoing instrument, and acknowledged to me that he executed the same in said trust name.

