

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 10 2022

WATER RESOURCES
WESTERN REGION

AMENDED 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 #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
78-10093	Yes ☒	Yes ☐		Yes ☐	Yes ☐
(stock water only)	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: William Owens
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Bill R. Owens & Jeanne Vanderpool
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or ☐ and/or
- 883 SW 2nd St Ontario OR 97914
Mailing address City State ZIP
- (541) 889-2741 bowens54@gmail.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: 8-14-2020

6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).

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.

SUPPORT DATA

IN FILE # 78-10093

- ☐ 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: Bill R. Owens Title, if applicable: _____ Date: Feb 10 2022
Signature of new owner/claimant
- Signature: Jeanne Vanderpool Title, if applicable: _____ Date: 2/10/22
Signature of new owner/claimant

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 LM Processed by LM Date 5.10.2022

SECOND AMENDMENT TO PARTITION AGREEMENT

WHEREAS, Bill R. Owens, Cynthia M. Vincent (Owens), Jeanne I. Vanderpool (Vanderpool) and Gracie H. Barron (Barron) entered into a Partition Agreement dated August 12, 2020 to divide an original parcel located in Idaho County, Idaho described on Exhibit 1 to that Partition Agreement into three (3) sub parcels as shown on Exhibit 2 of the Partition Agreement.

WHEREAS, Section 1.4 of the Partition Agreement contemplated that two (2) water rights appurtenant to the property, Water Rights No. 78-4027 and 78-10093 (the Permitted Water Rights), would be divided one-third each among the three parties; Owens, Vanderpool and Barron.

WHEREAS, the Parties requested that the Idaho Department of Water Resources divide the two water rights equally between the three parties on the three sub-parcels in accordance with the Partition Agreement. However, the Idaho Department of Water Resources indicated in a letter dated February 25, 2021, that the Department would not permit splitting the domestic uses on the water rights, Nos. 78-4027 and 78-10093;

WHEREAS, in further communications with the Idaho Department of Water Resources, the Department raised two issues: (1) whether the statutory claim 78-4027 had been subsumed into the decreed right 78-10093, and (2) the location of the Vanderpool property should be described in NWNE of Section 29, T23N R01E.

WHEREAS, the Parties wish to carry out the original intent of the Partition Agreement to the fullest extent possible, given the guidelines of the Idaho Department of Water Resources as indicated in its letter February 25, 2021.

NOW THEREFORE, the Parties hereto agree to further amend the Partition Agreement, specifically Article 1.4, by eliminating the amended Article 1.4 and replacing it with the following second amendment to Article 1.4:

1.4 Division of Permitted Water Rights:

The Parties agree that Idaho Water Rights No. 78-4027 and 78-10093 contain the following terms and conditions. Water Right 78-4027 is a domestic water right authorizing diversion of 0.01 cfs for domestic use. Water Right 78-4027 is a statutory claim that has not been decreed. The Idaho Department of Water Resources is uncertain of Water Right 78-4027 still valid after Water Right 78-10093 was decreed. The Parties wish to maintain Water Right 78-4027 to the extent it is valid. Water Right 78-10093 authorized both domestic and stock water uses with a diversion rate of 0.06 cfs; 0.04 cfs for domestic use and 0.02 cfs for stock water use. Both Water Rights were appurtenant to the entire original parcel. In order to comply with the directions of the Idaho Department of Water Resources, the Parties hereby agree that Water Right No. 78-4027 shall be transferred to the ownership of Barron; that the domestic portion of Water Right No. 78-10093 shall be transferred to the ownership of Barron, and the stock water portion of

Water Right No. 78-10093 shall be transferred to the ownership of Vanderpool and Owens. Each of these water rights shall be appurtenant to the respective sub-parcels owned by the Parties. Accordingly, Owens and Vanderpool quit claim, assign and convey to Barron, as her sole and separate property, Water Right No. 78-4027 to be appurtenant to the Barron property. Barron and Owens hereby quit claim, assign and convey to Barron as her sole and separate property, the domestic portion of Water Right No. 78-10093. Barron hereby quit claims, assigns and conveys to Bill R. Owens, a married man, as his sole and separate property, and Vanderpool, jointly the stock water portion of Water Right No. 78-10093. The Parties hereto further recognize that the Department of Water Resources has requested that the Parties file a change of Place of Use of the Water Right No. 78-10093, because a portion of the actual place of use of the original parcel is outside the Place of Use of record. After this transfer the stock water right shall be appurtenant to the sub-parcels of property held by Owens and Vanderpool in the NWNE, Section 29, T23N R1E, and the SWNE, Section 29, T23N R1E.

Nothing in this Amendment to the Partition Agreement changes any provision of the Partition Agreement, specifically including the well sharing provisions in Article 3, or changes the Parties' rights to use Hat Creek Water supplied by Hat Creek Water Users pursuant to the Idaho Water Right No. 78-260A, or the right to use the irrigation easement described on Section 2.4 of the Partition agreement. The Hat Creek water rights shall continue to be shared by the Parties.

The Parties recognize that the well drilled under Drilling Permit No. 78-89-2-01, approved February 2, 1989, represents a well for domestic uses under Idaho Code § 42-111, exempt from permitting under Idaho Code § 42-227. Should Idaho law change or should the Parties mutually agree, the Parties may in the future seek a permit for this domestic well.

//Notary Pages to Follow//

Signatures:

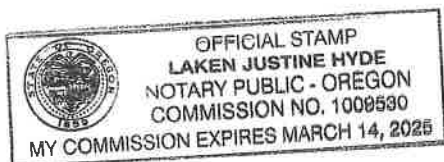
BILL R. OWENS
BILL OWENS

Cynthia Vincent
CYNTHIA VINCENT

STATE OF Oregon)
~~IDAHO~~) ss.
County of Malheur

On this 9 day of February 2022, before me, the undersigned, personally appeared BILL OWENS and CYNTHIA VINCENT, husband and wife, known or identified to me to be the persons whose names are subscribed to within this instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the said County the day and year first above written.



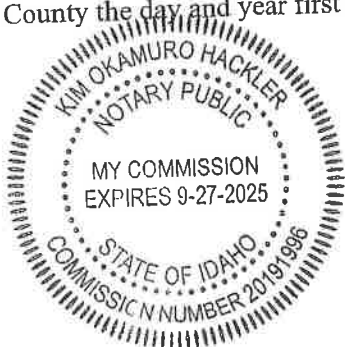
L. Hyde
NOTARY PUBLIC FOR ~~IDAHO~~ Oregon
Residing at: Malheur
Comm. Expires: March 14, 2025

Gracie Barron
GRACIE BARRON

STATE OF IDAHO)
) ss.
County of Idaho)

On this 11th day of ~~June~~ February 2022, before me, the undersigned, personally appeared GRACIE BARRON, known or identified to me to be the persons whose name is subscribed to within this instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the said County the day and year first above written.



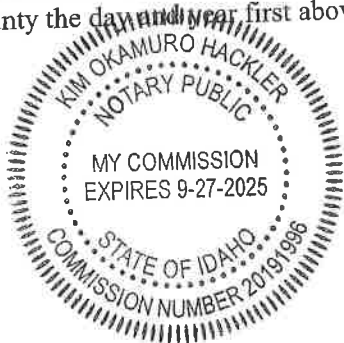
Kim Okamoto Hackler
NOTARY PUBLIC FOR IDAHO
Residing at: Adams Co
Comm. Expires: 09.27.2025

Jeanne Vanderpool
JEANNE VANDERPOOL

STATE OF IDAHO)
) ss.
County of Idaho)

On this 11th day of ~~June, 2021~~ February 2022, before me, the undersigned, personally appeared JEANNE VANDERPOOL, known or identified to me to be the persons whose name is subscribed to within this instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the said County the day and year first above written.



Kim Okamura Hackler
NOTARY PUBLIC FOR IDAHO
Residing at: Adams Co
Comm. Expires: 9.27.2025

AFTER RECORDING RETURN TO:

Michael W. Horton
Stunz, Fonda, Kiyuna & Horton, LLP
P.O. Box 1565
Nyssa, OR 97913

481611

EXHIBIT 2

Instrument # 481611

IDAHO COUNTY, IDAHO,
11-16-2011 09:26:44 No. of Pages: 1
Recorded for: STUNZ FONDA KIYUNA HORTON
KATHY M. ACKERMAN Fee: 10.00
Ex-Officio Recorder Deputy

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, made by BILL R. OWENS, AS PERSONAL REPRESENTATIVE of the Estate of Alice Irene Owens, also known as A. Irene Owens, also known as Irene Owens, Deceased, Grantor, to BILL R. OWENS, whose address is 883 S.W. 2nd Street, Ontario, OR 97914, JEANNE L. VANDERPOOL, whose address is 7424 Highway 95 South, Riggins, ID 83549, and GRACIE H. BARRON, whose address is Box 284, Pollock, ID 83547-0284, Grantee.

WHEREAS, Grantor is the qualified Personal Representative of said Estate, filed as Case No. CV-41269, in Idaho County, Idaho;

THEREFORE, for valuable consideration received, Grantor quitclaims, transfers, and conveys to Grantee the following described real property in Idaho County, Idaho:

That certain tract, piece, or parcel of land located in Section 29, Township 23 North, Range 1 East, Boise Meridian, in Idaho County, Idaho, more particularly described as follows:

Beginning at a point from which the Section Corner common to Sections 20, 21, 28, and 29 bears North 53°36' East a distance of 2224.5 feet and running thence South 55°57' East a distance of 40.5 feet to the true point of beginning; thence South 55°57' East a distance of 283.2 feet; thence North 18°16' East a distance of 643.9 feet; thence South 43°49' West a distance of 628.9 feet to the true point of beginning and containing 2.0 acres, more or less, with all water and water rights and ditches and ditch rights appurtenant or belonging to said tract, or used in connection therewith, with all appurtenances.

EXECUTED this 14 day of November, 2011.

Bill R. Owens

Bill R. Owens
Personal Representative

STATE OF OREGON)
County of Malheur) ss.
)

On the 14 day of November, 2011, before me, the undersigned, a notary public in and for said state, personally appeared Bill R. Owens, known or identified to me to be the person whose name is subscribed to the within instrument, as Personal Representative of the Estate of Alice Irene Owens, Deceased, and acknowledged to me that he executed the same as such Personal Representative.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Michael W. Horton
Notary Public for Oregon

My Commission Expires: 10/15/2013

Residing at: Nyssa, Oregon

EXHIBIT 1

STATE OF OREGON

CERTIFICATION OF VITAL RECORD

TYPE OF
PRINT IN
PERMANENT
BLACK INK

D-7496
96-220

OREGON DEPARTMENT OF HUMAN RESOURCES
HEALTH DIVISION
Vital Records Unit
CERTIFICATE OF DEATH

96-022777

DECEDENT'S NAME WILLIAM JEROME OWENS		SEX MALE		DATE OF BIRTH (Month, Day, Year) OCTOBER 14, 1936	
AGE 61		PLACE OF BIRTH (City and State or Foreign Country) MT. HOME, IDAHO		DATE OF DEATH (Month, Day, Year) OCTOBER 23, 1996	
PLACE OF DEATH (City and State or Foreign Country) HOLY ROSARY HOSPITAL		CITY, TOWN, OR LOCATION OF DEATH CAVENDISH		COUNTY OF DEATH MAHUR	
DECEDENT'S USUAL OCCUPATION LABORER		KIND OF BUSINESS/INDUSTRY LUMBER		MARRIAGE STATUS - Married (Married, Widowed, Divorced, Single) MARRIED	
NAME OF SPOUSE ALICE TUTTLE		STREET AND NUMBER 4 HILL LANE		DECEDENT'S EDUCATION 3	
RACE WHITE		MOTHER'S NAME HELEN OWENS		FATHER'S NAME WILLIAM OWENS - SON	
MOTHER'S MIDDLE NAME HAZEL		FATHER'S MIDDLE NAME TRAYLOR		PLACE OF DEATH (City and State or Foreign Country) RIGGINS CEMETERY	
DATE OF DEATH (Month, Day, Year) OCTOBER 23, 1996		SIGNATURE OF DECEASED <i>William J. Owens</i>		SIGNATURE OF WITNESS <i>John A. Woodward</i>	
DATE SIGNED (Month, Day, Year) OCTOBER 23, 1996		TIME OF DEATH 10:54 A.M.		PLACE OF DEATH (City and State or Foreign Country) RIGGINS CEMETERY	
NAME, TITLE, ADDRESS AND ZIP OF OTHER MEDICAL EXAMINER (Type or Print) JOHN LAWRENCE STONE MD 1155 S.W. 4th St. Gresham OR 97030		NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type or Print)		IMMEDIATE CAUSE OF DEATH (List all causes per line for (a), (b), and (c). Do not enter mode of dying, e.g., Cardiac or Respiratory Arrest.)	
CAUSE OF DEATH (List all causes per line for (a), (b), and (c). Do not enter mode of dying, e.g., Cardiac or Respiratory Arrest.)		CAUSE OF DEATH (List all causes per line for (a), (b), and (c). Do not enter mode of dying, e.g., Cardiac or Respiratory Arrest.)		CAUSE OF DEATH (List all causes per line for (a), (b), and (c). Do not enter mode of dying, e.g., Cardiac or Respiratory Arrest.)	
MANNER OF DEATH ☒ Natural ☐ Pending Investigation ☐ Accidental ☐ Unexplained ☐ Suicide ☐ Homicide ☐ Legal Intervention		DATE OF INJURY (Month, Day, Year) 10-21-96		INJURY AT WORK? ☐ Yes ☒ No	
PLACE OF INJURY - At home, farm, street, factory, office, building, etc. (Specify)		LOCATION (Street and Number or Rural Route Number, City or Town, State)		AUTOPSY ☒ Yes ☐ No	

ORIGINAL - VITAL STATISTICS COPY

45-2 REV 3-80

I CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL CERTIFICATE ON FILE OR THE VITAL RECORDS FACTS ON FILE IN THE OREGON CENTER FOR HEALTH STATISTICS.

MAR 08 2021

DATE ISSUED:

THIS COPY IS NOT VALID WITHOUT INTAGLIO STATE SEAL AND BORDER.

Jennifer A. Woodward
JENNIFER A. WOODWARD, PH.D.
STATE REGISTRAR

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE





IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

May 10, 2022

BILL R OWENS
JEANNE VANDERPOOL
883 SW 2ND ST
ONTARIO OR 97914-3521

Re: Change in Water Right Ownership: 78-10093 (Split into 78-10093 and **78-12557**),

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of a portion of the above referenced water right(s) to you. The Department has modified its records based on the information received and has enclosed a computer-generated report for you.

Your portion of each water right(s) has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right. If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

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) 605-4633.

Sincerely,

Laura McSherry
Water Resource Agent

Enclosure(s): Proof Report, Map
Co: GRACIE H BARRON