

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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OCT 13 2009

DEPARTMENT OF
WATER RESOURCES

OCT 14 2009 NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

WATER RESOURCES

WESTERN REGION 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
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~~61-02127~~	61-12175	✓			
~~61-04136~~	61-12178	✓			

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) DONNA BELL TRUST, RALPH Robert Towle Trustee
4. New Owner/Claimant(s) James F O'Day III / Tonia D. O'Day
Name Connector (Check one): ☐ and, ☒ or, ☐ and/or
- New Mailing Address 3535 N 18th E
- City, State and ZIP Code Mountain Home, ID 83647
- New Telephone Number (208) 587-3003
5. Date you acquired the property 9/30/2003

SUPPORT DATA

IN FILE # 61-12175

5. Date you acquired the property

~~10-13-09~~ 9/30/03 jo/

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number <u>61-1275</u>		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number <u>61-12198</u>		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

7. Signature(s) of New Owner(s) or Claimant(s)

Lonia D O'Day

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:
 Received by _____
 Received by SR7
 Processed by _____ AJ

 Date _____
 Date 10-13-2009
 Date _____

 Receipt Amt. \$200 -
 Receipt No. C089435
 WR jo Date 11-4-09

AMENDED WARRANTY DEED

Instrument # 405775
Elmore County, Idaho
04:38pm Apr. 07, 2009
For: HALL, FRIEDLY & WARD
No. of Pages: 2 Fee: \$6.00
MARSA GRIMMETT, Recorder
Deputy: DLE

Ralph Robert Towle, as Trustee of the Donna L. Bell Marital Trust, Grantor, does hereby convey, grant and warrant unto James F. O'Day III and Tonia D. O'Day, husband and wife, Grantees, whose address is 3535 North 18th East, Mountain Home, Idaho 83647, the following described real property in Elmore County, Idaho, to-wit:

Lot 2 in Block 1 of Bell Country Estates, Elmore County, Idaho, according to the official plat thereof on file and of record in the office of the County Recorder of Elmore County, Idaho.

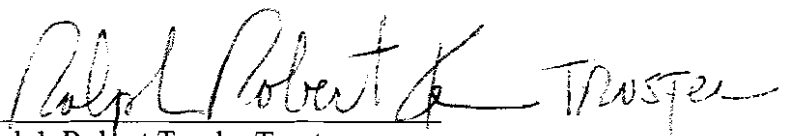
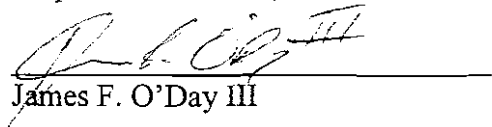
Together with a proportionate share consisting of 5.12/52.70 of Water Right No. 61-02127 and of 5.12/52.70 of Water Right No. 61-04136, ~~after the sale of 5.0 acres of said water rights.~~ RET

Subject to: Taxes, easements and restrictions of record.

This Amended Warranty Deed is executed and recorded to confirm and add details concerning the water rights that are appurtenant to the property legally described and being transferred in that certain Warranty Deed dated the 30th day of September, 2003, and which was recorded in the office of the County Recorder of Elmore County, Idaho, on the 1st day of October, 2003, as Instrument No. 350876.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantees and to the Grantees' heirs and assigns forever.

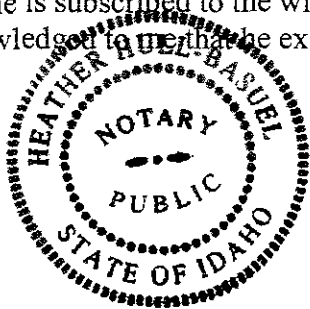
IN WITNESS WHEREOF, the Grantor and Grantees have executed this instrument on this 15th day of February, 2006.


Ralph Robert Towle, Trustee

James F. O'Day III

Tonia D. O'Day
Tonia D. O'Day

STATE OF IDAHO)
COUNTY OF Elmore) ss.

On this 6th day of February, 2006, before me, a Notary Public in and for said State, personally appeared Ralph Robert Towle, known or identified to me to be the person whose name is subscribed to the within instrument as trustee of the Donna L. Bell Marital Trust and acknowledged to me that he executed the same as such trustee.

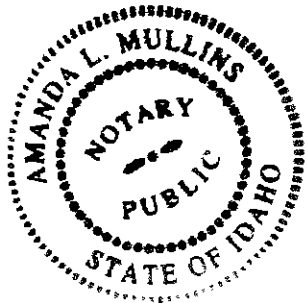


[Signature]
Notary Public for Idaho
Residing at: Mountain Home, ID
My Commission Expires: 7-19-2010

STATE OF IDAHO,)
COUNTY OF ELMORE) ss.

On this 6th day of April, 2006⁹, before me, the undersigned, a Notary Public in and for said state, personally appeared James F. O'Day III and Tonia D. O'Day, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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



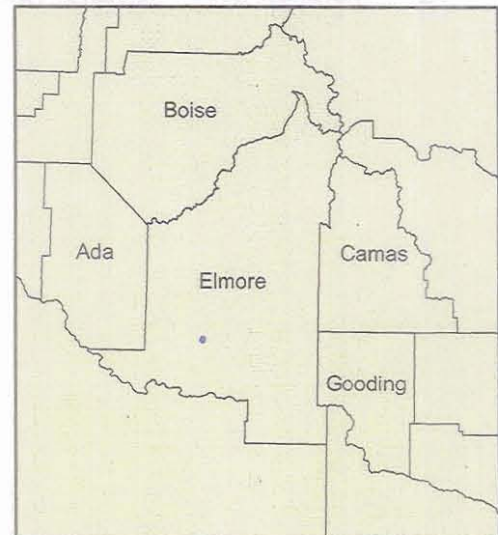
Amanda L. Mullins
Notary Public for Idaho,
Residing at: Mountain Home, ID
My commission expires: 6/29/2012

Bell Country Estates



Legend

- Elmore Co Taxlots Township/Range
 61-2127 & 61-4136 POU Sections
 • 61-2127 & 61-4136 POD QQ
 • Lot 6 & 7 POD



NOTES

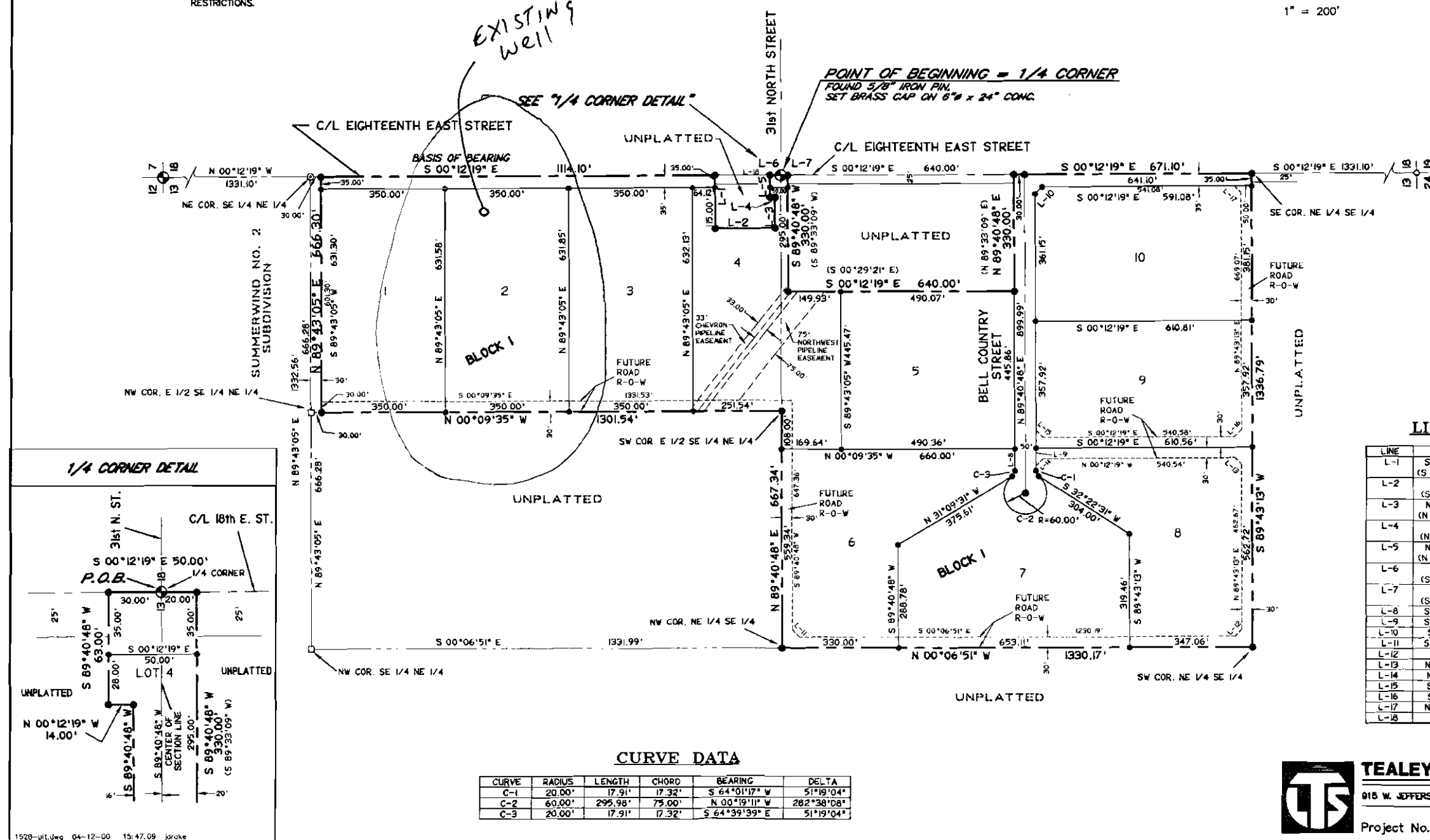
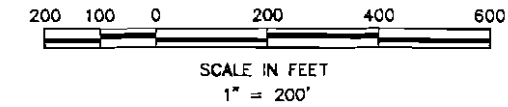
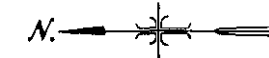
1. BUILDING SETBACKS SHALL BE IN ACCORDANCE WITH THE ZONING ORDINANCE AT THE TIME OF ISSUANCE OF THE BUILDING PERMIT.
2. ANY RESUBDIVISION OF THIS PLAT SHALL CONFORM TO THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF RESUBDIVISION.
3. SUBDIVIDER WILL COMPLY WITH THE DISCLOSURE REQUIREMENTS OF SECTION 31-3805 OF THE IDAHO CODE.
4. ALL LOTS ARE HEREBY DESIGNATED AS HAVING A PERMANENT PUBLIC UTILITIES, DRAINAGE AND IRRIGATION EASEMENT OVER THE TEN (10) FEET ADJACENT TO ANY STREET THAT IS DEDICATED TO THE USE OF THE PUBLIC. THIS EASEMENT SHALL NOT PRECLUDE THE CONSTRUCTION OF HARD-SURFACED DRIVEWAYS AND WALKWAYS TO EACH LOT.
5. A TEN (10) FOOT PERMANENT PUBLIC UTILITIES, DRAINAGE, AND IRRIGATION EASEMENT IS HEREBY RESERVED LYING FIVE (5) FEET ON BOTH SIDES OF EACH COMMON INTERIOR LOT LINE.
6. ALL LOTS ABUTTING THE EXTERIOR BOUNDARY OF THE SUBDIVISION ARE HEREBY DESIGNATED AS HAVING A PERMANENT PUBLIC UTILITIES, DRAINAGE AND IRRIGATION EASEMENT OVER THE TEN (10) FEET ADJACENT TO THE SAID EXTERIOR BOUNDARY.
7. LOTS SHALL NOT BE REDUCED IN SIZE WITHOUT PRIOR APPROVAL FROM THE HEALTH AUTHORITY.
8. NO ADDITIONAL DOMESTIC WATER SUPPLIES SHALL BE INSTALLED BEYOND THE WATER SYSTEM APPROVED IN THE SANITARY RESTRICTION RELEASE.
9. REFERENCE IS MADE TO THE PUBLIC HEALTH LETTER ON FILE REGARDING ADDITIONAL RESTRICTIONS.

LEGEND

- BOUNDARY LINE
- CENTER LINE
- FUTURE ROAD R-O-W EASEMENT
- FOUND BRASS CAP
- FOUND 1/2" IRON PIN
- SET 5/8" x 30" IRON PIN W/CAP
- SET 1/2" x 24" IRON PIN W/CAP
- CALCULATED POINT, NOT SET
- (S 00°29'21" E) DATA OF RECORD

PLAT OF BELL COUNTRY ESTATES

A PORTION OF THE E 1/2 SE 1/4 NE 1/4 AND A PORTION OF THE NE 1/4 SE 1/4,
SECTION 13, T.3S., R.6E., B.M.,
ELMORE COUNTY, IDAHO
2000



LINE TABLE

LINE	DIRECTION	DISTANCE
L-1	S 89°40'48" W (S 89°33'09" W)	150.00'
L-2	S 00°12'19" E (S 00°29'21" E)	171.00'
L-3	N 89°40'48" E (N 89°33'09" E)	87.00'
L-4	N 00°12'19" W (N 00°29'21" W)	14.00'
L-5	N 89°40'48" E (N 89°33'09" E)	63.00'
L-6	S 00°12'19" E (S 00°29'21" E)	30.00'
L-7	S 00°12'19" E (S 00°29'21" E)	20.00'
L-8	S 89°40'48" W	61.74'
L-9	S 89°40'48" W	63.41'
L-10	S 45°15'45" E	28.26'
L-11	S 44°46'59" W	28.33'
L-12	S 45°11'49" E	28.24'
L-13	N 44°45'27" E	28.30'
L-14	N 45°15'45" W	28.26'
L-15	S 44°44'15" W	28.31'
L-16	S 45°14'33" E	28.27'
L-17	N 44°45'27" E	28.30'
L-18	S 00°12'19" E	157.00'



TEALEY'S LAND SURVEYING

915 W. JEFFERSON ST. • BOISE, IDAHO 83702
208-365-0838

Project No. 1528

Sheet 1 of 2