

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 01 2018

RECEIVED

Notice of Change in Water Right Ownership

WATER RESOURCES
WESTERN REGION

DEC 17 2018

DEPARTMENT OF
WATER RESOURCES

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.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
67-11149	Yes ☒		Yes ☐		Yes ☐
- Split	Yes ☐		Yes ☐		Yes ☐
- g	Yes ☐		Yes ☐		Yes ☐
67-15324	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: JOHN R. SCHWENKFELDER AND BONNIE SCHWENKFELDER
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): THE Kenneth A. Berryhill & Kisten R. Berryhill
Name of each new owner as listed on the conveyance document

2007 Revocable Trust

New owner continued ☐ Name connector ☐ and ☐ or ☒ and/or

711 HIGHLAND ST. PO Box 55

Mailing address

ETNA

City

CA

State

96027-0055

ZIP

530-467-3000

Telephone

K.BERRYHILL@SISKIYOU TELEPHONE.COM

Email K.berryhill@siskiyoutelephone.com

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: 4/27/18

6. 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):
 - \$25 per *undivided* water right.
 - \$100 per *split* water right.
 - No fee is required for pending adjudication claims.

SUPPORT DATA

IN FILE # 67-4149

7. Signature: [Signature]
Signature of new owner/claimant

Title, if applicable

Date

Signature: Kisten Berryhill
Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by

Date

Receipt No.

Receipt Amt.

Approved by

Processed by

Date

Instrument # 132220

COUNCIL, ADAMS, IDAHO

4-27-2018 11:15:02 AM No. of Pages: 2

Recorded for : TIMBERLINE TITLE & ESCROW

SHERRY WARD

Fee: 15.00

Ex-Officio Recorder Deputy

Index to: DEED

WARRANTY DEED

For Value Received, JOHN R. SCHWENKFELDER and BONNIE P. SCHWENKFELDER, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto

THE KENNETH A. BERRYHILL & KISTEN R. BERRYHILL 2007 REVOCABLE TRUST

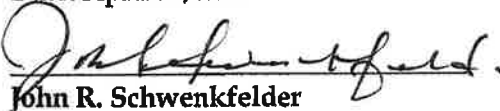
the grantee, whose current address is ~~711 Highland St., Etna, CA 96027~~ PO Box 55, Etna, CA 96027-0055

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

SEE ATTACHED EXHIBIT 'A' MADE A PART HEREOF

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantee, ITS heirs and assigns forever. And the said Grantors hereby covenants to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all encumbrances excepting for all easements of record, rights of way, matters visible, and all matters of record and title and that they will warrant and defend the same from all lawful claims whatsoever.

Date: April 18, 2018


John R. Schwenkfelder


Bonnie P. Schwenkfelder

STATE OF Idaho)
COUNTY OF Ada) ss

On this 18th day of April, in the year of 2018, before me, a Notary Public in and for said State, personally appeared JOHN R. SCHWENKFELDER and BONNIE P. SCHWENKFELDER known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that they executed the same.



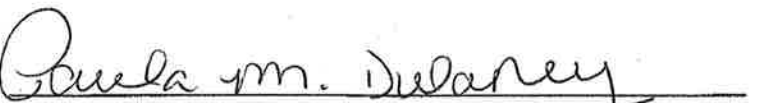
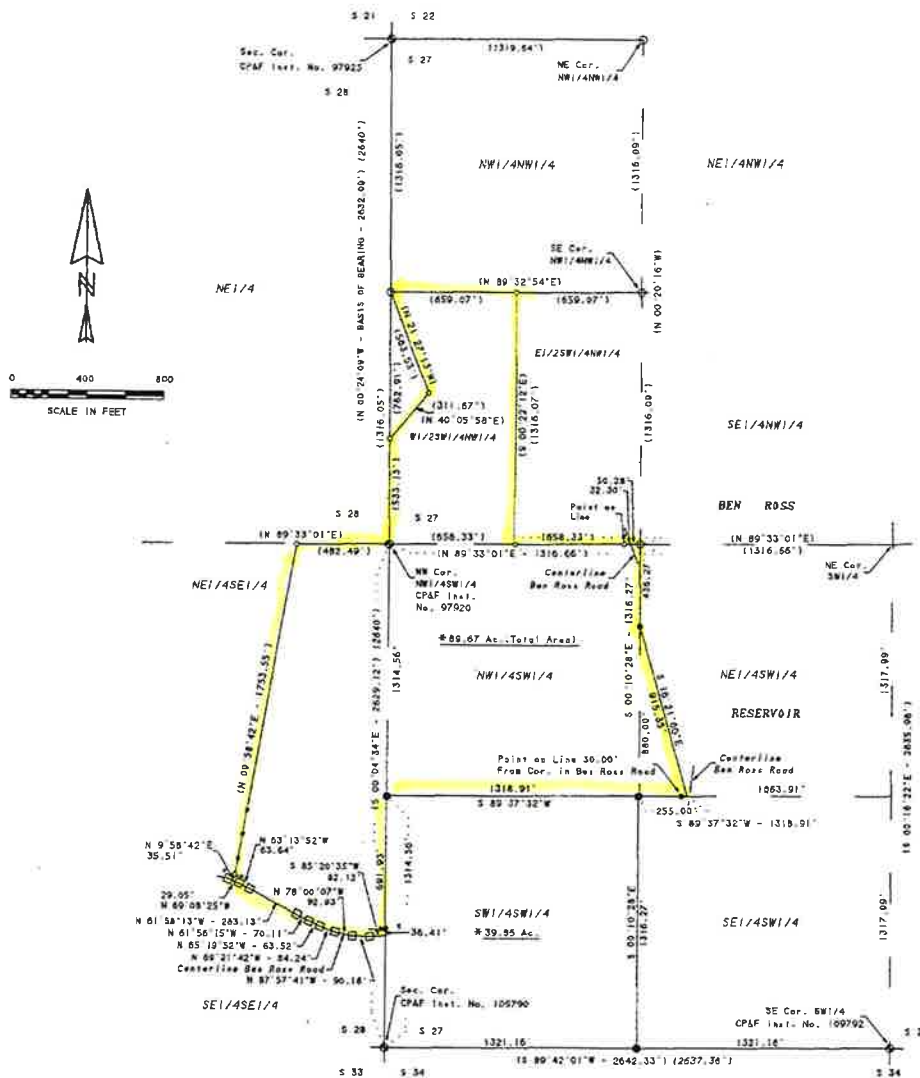

Notary Public
Residing at: Bose, Ada County
Commission expires: 9-19-19

EXHIBIT 'A'

A parcel of land situated within the W1/2 of Section 27 and the E1/2SE1/4 of Section 28, Township 14 North, Range 1 West, Boise Meridian, Adams County, Idaho, which parcel of land is more particularly described as follows:
Beginning at the southwest corner of the W1/2SW1/4NW1/4 of Section 27, T.14N., R.1W., B.M. (northwest corner of the NW1/4SW1/4 of said Section 27 and the northeast corner of the E1/2SE1/4 of Section 28., T.14N., R.1W., B.M.);
Thence N 0° 24'09"W, a distance of 553.13 feet along the west line of said W1/2SW1/4NW1/4;
Thence N 40° 05'58"E, a distance of 311.67 feet;
Thence N 21° 27'13"W, a distance of 563.53 feet to the northwest corner of said W1/2SW1/4NW1/4;
Thence N 89° 32'54"E, a distance of 659.07 feet along the north line of said W1/2SW1/4NW1/4 to the northeast corner of said W1/2SW1/4NW1/4;
Thence S 0° 22'12"E, a distance of 1316.07 feet along the east line of said W1/2SW1/4NW1/4 to the southeast corner of said W1/2SW1/4NW1/4, which point is on the north line of the NW1/4SW1/4 of said Section 27;
Thence N 89° 33'01"E, a distance of 658.33 feet along the north line of said NW1/4SW1/4 to the northeast corner of said NW1/4SW1/4;
Thence S 0°10'28"E, a distance of 436.27 feet along the east line of said NW1/4SW1/4 to a point which bears N 0°10'28"W (formerly north), a distance of 880.00 feet along the east line of said NW1/4SW1/4 from the southeast corner of said NW1/4SW1/4 (southwest corner of the NE1/4SW1/4 of said Section 27);
Thence S 16°21'00"E, a distance of 915.35 feet to a point on the south line of said NE1/4SW1/4;
Thence S 89°37'32"W (formerly west), a distance of 255.00 feet along the south line of said NE1/4SW1/4 to the southwest corner of said NE1/4SW1/4 (southeast corner of said NW1/4SW1/4);
Thence continuing S 89°37'32"W, a distance of 1318.91 feet along the south line of said NW1/4SW1/4 to the southwest corner of said NW1/4SW1/4, which point is on the east line of said E1/2SE1/4 of said Section 28;
Thence S 0°04'34"E, a distance of 691.93 feet, more or less, along the east line of said E1/2SE1/4 to a point on the north right-of-way line of Ben Ross Road;
Thence northwesterly along the northeasterly right-of-way of said Ben Ross Road to a point;
Thence N 9°58'42"E, a distance of 1753.55 feet, more or less, to a point on the north line of said E1/2SE1/4;
Thence N 89°33'01"E, a distance of 482.49 feet along the north line of said E1/2SE1/4 to the point of beginning.

Subject to the right-of-way of Ben Ross Road.



SURVEY FOR
LARRY BOEHM

WITHIN
11/2 OF SECTION 27 AND 3E1/4 OF SECTION 28, T.14N., R.1W., B.M.,
ADAMS COUNTY, IDAHO

CERTIFICATE OF ENGINEER/SURVEYOR

I, S. ROLAND MULLINIX, A REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR IN THE STATE OF IDAHO, DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED ON THIS PLAT WAS PERFORMED BY ME OR UNDER MY SUPERVISION IN ACCORDANCE WITH THE LAWS OF THE STATE OF IDAHO IN OCTOBER OF 2007.



LEGEND

- ⊙ FOUND 5/8 INCH REBAR W/ALUMINUM CAP MARKED PE/LS 2478
- FOUND 5/8 INCH REBAR W/PLASTIC CAP MARKED MULLINIX PE/LS 2478
- FOUND 1/2 INCH REBAR W/PLASTIC CAP MARKED MULLINIX PE/LS 2478
- SET 5/8 INCH REBAR W/PLASTIC CAP MARKED MULLINIX PE/LS 2478
- SET 1/2 INCH REBAR W/PLASTIC CAP MARKED MULLINIX PE/LS 2478
- X X X EXISTING FENCE
- I I PREVIOUSLY RECORDED - MULLINIX ENGR., INC.
- E E PREVIOUSLY RECORDED - 1870 G.L.O. SURVEY
- MEASUREMENT POINT - NOT SET - ALONG CENTERLINE OF BEN ROSS ROAD
- * AREA TO CENTERLINE AND INCLUDING RIGHT-OF-WAY OF BEN ROSS ROAD IN SECTION 28 (PROPERTY DESCRIBED AS NORTHERLY AND EASTERLY OF COUNTY ROAD 111) INCLUDES AREA OF BEN ROSS ROAD RIGHT-OF-WAY IN SECTION 27

REFERENCE SURVEYS

1. 1870 G.L.O. SURVEY BY DARIUS BAKER.
2. RECORD OF SURVEY BY MULLINIX ENGR., INC., INST. NO. 09076.
3. RECORD OF SURVEY BY MULLINIX ENGR., INC., INST. NO. 09025.
4. RECORD OF SURVEY BY MULLINIX ENGR., INC., INST. NO. 110267.

MULLINIX ENGINEERING, INC.
WEISER, IDAHO 83472
OCTOBER 1, 2007

Instrument # 115487

COUNCIL, ADAMS, IDAHO

2007-11-05

10:22:52 No. of Pages: 1

Recorded for: ROLAND MULLINIX

SHERRY WARD

Ex-Officio Recorder Deputy

Index to: SURVEY

Fee: 5.00

[Signature]



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

February 14, 2019

KENNETH A BERRYHILL & KISTEN R BERRYHILL 2007 REVOCABLE TRUST
PO BOX 55
ETNA CA 96027-0055

Re: Change in Water Right Ownership: 67-4149 (Split into 67-4149 and **67-15324**)

Dear Water Right Holder:

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of a portion of the above referenced water right 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 rights 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) 287-4920.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

c. John & Bonnie Schwenkfelder
Water District 67A



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 17, 2018

KENNETH A & KISTEN R BERRYHILL 2007 REVOCABLE TRUST
PO BOX 55
ETNA CA 96027

RE: Notice of Ownership Change in Water Right No. 67-4149

Dear Applicants:

The purpose of this letter is to request clarification regarding the above referenced application.

The deed that you provided does not cover the entire place of use (POU) for water right 67-4149. The following items must be completed for the processing of your ownership change to continue.

If you **do** own the entirety of the water right, please complete the following:

- Provide a deed conveying the portions of water right 67-4149 to you that were not covered on the deed submitted to the Department (see enclosed maps).

If you **do not** own the entirety of the water right, please complete the following:

- Submit \$75. The filing fee for a Notice of Change in Water Right Ownership is \$25.00 per undivided water right or a fee of **\$100.00 per split water right**. The \$25.00 already received will be applied to the balance.

Included are several maps showing the various POU's for water right 67-4149 along with a proof report for your reference. If you have any questions concerning the enclosed information, please feel free to contact this office at 208-334-2190.

Sincerely,

Chad Jones
Office Specialist II
Western Regional Office

Enclosures