

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 14 2017

Department of Water Resources
Eastern Region

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.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
34-7207 OK	Yes ☐		Yes ☐		Yes ☐
34-10082 OK	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name:

Frances & Elray Kimball
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s):

The G+L Kimball Family Estate Trust
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or

P.O. Box 273
Mailing address

Mackay
City

ID
State

83251-0273
ZIP

(208) 588-3080
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: November 18 2015

6. If the water right described herein has been rented from the Water Supply Bank, rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:

- Rental payments will go to the lessor(s) of record at the beginning of the rental season.
- If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
- New lessor(s) of record will receive payment after the following rental season.

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

SUPPORT DATA

IN FILE # 34-7207

8. Signature:

Gary Kimball
Signature of new owner/claimant

Trustee
Title, if applicable

February 13, 2017
Date

- Signature:

Lisa Kimball
Signature of new owner/claimant

Trustee
Title, if applicable

February 13, 2017
Date

For IDWR Office Use Only:

Received by JB

Date 2/14/2017

Receipt No. E042753

Receipt Amt. \$50.-

Approved by JB

Processed by JB

Date 2/15/2017



Warranty Deed

1 Date

18th of November 2015

2 Parties

Grantors: GARY L. KIMBALL, also known as GARY KIMBALL and LINDA L. KIMBALL, also known as LINDA KIMBALL, husband and wife ("Grantors").

Grantee: The G&L Kimball Family Estate Trust, by and through its Trustees, Gary L. Kimball and Linda L. Kimball, and their Successors in Trust.

Current address: PO Box 273, 4083 West 4200 North, Mackay, ID 83251

3 Property

Idaho County: Custer County

Transferred Interest: Grantors' entire fee simple.

Legal Description:

See Exhibit A

Subject to:

All conditions, restrictions, reservations, easements, rights, rights-of-way, zoning ordinances and governmental regulations of record.

Together with:

All and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part.

4 Common Address

PO Box 273, 4083 West 4200 North, Mackay, ID 83251

5 Consideration

Ten Dollars and other good and valuable consideration, receipt of which is acknowledged.

6 Grant

In a tax free exchange, Grantors for the consideration listed above, hereby grant, bargain, sell, convey, and confirm to Grantee, and its successors and assigns, the transferred interest in the property described in this Warranty Deed.

7 Warranties

Grantors, for themselves, and for their heirs, successors and assigns, covenant with Grantee, and its successors and assigns as follows:

Grantors are currently the owners of the property as described in this Warranty Deed.

Grantors have good right to convey the property described in this Warranty Deed to Grantee.

The property described in this Warranty Deed is free from all encumbrances, except as otherwise shown in this Warranty Deed or of record.

Grantors, and their heirs, successors and assigns, will forever warrant and defend the quiet and peaceful possession of the property granted by this Warranty Deed

251208

Custer County Reg. of

Telford Law

Time 11:48 AM Date 11/24/2015

Lara H. Baker, Clerk

Deputy

to Grantee, and its successors and assigns, against the lawful claims of all persons.

These warranties are limited to the coverage the Grantors have under any policy of title insurance, or damages of \$10.00, whichever is greater.

8 Construction

In construing this Warranty Deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

Gary Kimball
Gary L. Kimball (aka Gary Kimball)

Linda Kimball
Linda L. Kimball (aka Linda Kimball)

STATE OF IDAHO

)

) ss.

County of Bannock

)

On 18th day of November 2015, before me, Stephen H. Telford, an Idaho notary public, personally appeared Gary L. Kimball and Linda L. Kimball, husband and wife, known or identified to me to be the persons whose names are subscribed to this instrument and acknowledged to me that they executed the same.

In witness, I have set my hand and affixed my official seal the day and year in this certificate first above written.

Stephen H. Telford
Notary Public for Idaho
Residing at Nampa, Idaho
Commission Expiring on the 28th of June 2016

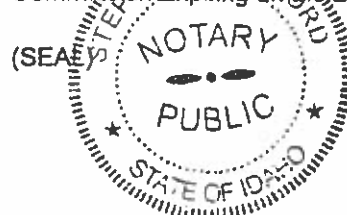


EXHIBIT A

PARCEL 1:

TOWNSHIP 6 NORTH, RANGE 25 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO:

Section 5: NW $\frac{1}{4}$ SW $\frac{1}{4}$; and Custer County Assessor's Tax #T-335, more particularly described as follows:

All of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, EXCEPT that part deeded for railroad and highway purposes, and EXCEPT That portion lying North of the Oregon Short Line Railroad and Highway rights-of-way.

AND, FURTHER EXCEPTING THEREFROM:

A parcel of land located in the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) and the Northwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$), in said Section 5, being more particularly described as follows:

Commencing at the West Quarter of said Section 5; thence North 0°54'49" East along the West boundary of Section 5 a distance of 1,125.02 feet to the southerly boundary right-of-way of U.S. Highway 93A; thence South 65°06'00" East along the southerly right-of-way of U.S. Highway 93A, a distance of 1,001.78 feet to the Point of Beginning; thence South 65°06'00" East. 453.60 feet along the Southerly right-of-way of U.S. Highway 93A; thence South 0°43'44" West, 503.14 feet along the east boundary of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 5; thence South 0°37'55" West, 475.00 feet along the east boundary of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said section 5; thence West a distance of 399.80 feet; thence North a distance of 1,169.05 feet, to the Point of Beginning. Containing 10.005 acres, more or less.

TOGETHER with all water and ditch rights appurtenant thereto, including, but not limited to: 70 miner's inches, priority of May 6, 1899, Big Lost River, with 2,413 inches of storage in Mackay reservoir, RESERVING TO SELLER 10 miner's inches, priority May 6, 1899, Big Lost River, and 1,302 inches of storage in the Mackay Reservoir.

AND THE FOLLOWING DESCRIBED PERSONAL PROPERTY:

Johnston Turbine Pump, size 10-MS, Serial No. IR-3489, with 40 h.p., U.S. Electric Motor, Serial No. 1219593.

PARCEL 2:

TOWNSHIP 6 NORTH, RANGE 25 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO:

Section 5: NW $\frac{1}{4}$ SW $\frac{1}{4}$; and Custer County Assessor's Tax #T-335, more particularly described as follows: All of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ EXCEPT that part deeded for railroad and highway purposes, and EXCEPT That portion lying North of the Oregon Short Line Railroad and Highway rights of way.

TOGETHER with all water and ditch rights appurtenant thereto, including, but not limited to: 70 miner's inches, priority of May 6, 1899, Big Lost River, with 2,413 inches of storage in Mackay reservoir, RESERVING TO SELLER 10 miner's inches, priority May 6, 1899, Big Lost River, and 1,302 inches of storage in the Mackay Reservoir.

PARCEL 3:

TOWNSHIP 6 NORTH, RANGE 25 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO:

Section 5: A parcel of land located in the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) and the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$), in said Section 5, being more particularly described as follows:

Commencing at the West Quarter corner of said Section 5; thence North 0°54'49" East along the West boundary of Section 5 a distance of 1,125.02 feet to the southerly boundary right-of-way of U.S. Highway 93A; thence South 65°06'00" East along the southerly right-of-way of U.S. Highway 93A, a distance of 1,001.78 feet to the Point of Beginning; thence South 65°06'00" East, 453.60 feet along the Southerly right-of-way of U.S. Highway 93A; thence South 0°43'44" West, 503.14 feet along the east boundary of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 5; thence South 0°37'55" West 475.00 feet along the east boundary of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said section 5; thence West a distance of 399.80 feet; thence North a distance of 1,169.05 feet, to the Point of Beginning. Containing 10.005 acres, more or less.

PARCEL 4:

TOWNSHIP 6 NORTH, RANGE 25 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO:

Section 5: Lots 3 and 4; All of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, except commencing at the SW corner of SE $\frac{1}{4}$ NW $\frac{1}{4}$, thence North to a point where said West boundary line intersects the South side of the right-of-way for State Highway Number 93; running thence in a Southeasterly direction along the South side of said highway right-of-way to the point of intersection between the South side of said highway right-of-way and the south boundary line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$; running thence due West along said South boundary line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ to the SW corner of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ being the point of beginning.

Also except State Highway 93.

PARCEL 5:

The SE one-third of Lots 11 and 12, Block 5 Riverside Addition to Mackay, Custer County, Idaho, according to the official Plat thereof, Custer County Recorder's Office.

PARCEL 6:

The following described premises, in Custer County, Idaho, to-wit: A fraction of the NE $\frac{4}{4}$ SE $\frac{4}{4}$ and SE $\frac{4}{4}$ NE $\frac{4}{4}$ of Section 20, Township 7 North, Range 24 East, Boise Meridian. All that part of the NE $\frac{4}{4}$ SE $\frac{4}{4}$ and the SE $\frac{4}{4}$ NE $\frac{4}{4}$, Section 20, Township 7 North, Range 24 East, B.M., lying between the right-of-way of State Highway 27 (93) and O.S.L. Right-of-way.

PARCEL 7:

TRACT A:

A fraction of Section 5, Township 6 North, Range 25 East, Boise Meridian, Custer County, Idaho described as:

That portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ -lying North of the Oregon Short Line and Highway 93.

Contains 9.71 acres M/L

TRACT B:

All that portion of the "Mackay Branch" right of way, now abandoned, of the Union Pacific Railroad Company, successor in interest to the Salmon River Railroad Company, situated in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5 and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, all in Township 6 North, Range 25 E.B.M., Custer County, Idaho, being that same tract or parcel of land heretofore acquired by the aforesaid railroad company by virtue of that certain instrument

dated July 22, 1901, from Charles W. Herrick, a single man, said instrument having been filed for record in the aforesaid County on August 6, 1901, at Page 198 of Volume 1, Record of Deeds, said tract of parcel of land being bounded and described therein as follows:

A strip of land 100 feet wide being 50 feet in width on either side of the center line of the main track of Salmon River Railroad said center line entering said SW $\frac{1}{4}$ NW $\frac{1}{4}$ on the E. line at a point 683 feet S. of the NE corner thereof and running thence in a direct line to a point on the N. line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6, 191 feet W. from the NE corner thereof.

Containing 2.93 acres more or less.

PARCEL 8:

Commencing at the Southeasterly corner of the land described in the deed from LuWayne Olsen et. ux. to David R. Kimball et. ux. and recorded on 28 August, 1980 as instrument no. 155645, records of Custer County, Idaho, (the "David R. Kimball land") in the City of Mackay, Custer County, Idaho, thence THIRTY (30) feet in a southeasterly direction along White Knob Street to the REAL POINT OF BEGINNING; thence southeasterly ONE HUNDRED (100) feet along White Knob Street; thence Southwesterly ONE HUNDRED (100) feet along the Northeasterly boundary of the Gene Hocking property on a line parallel to the Southeasterly boundary of said David R. Kimball land; thence Northwesterly ONE HUNDRED (100) feet to the Point of Beginning, said parcel containing Ten Thousand (10,000) square feet, more or less.

SUBJECT TO zoning, building and land use requirements and restrictions imposed by any governmental unit; and

SUBJECT TO easements and rights of way, including utility of sight and record.

PARCEL 9:

Commencing at the Southeasterly corner of the land described in the deed from LuWayne Olsen et. ux. to David R. Kimball et. ux. and recorded on 28 August, 1980 as instrument no. 155645, records of Custer County, Idaho, (the "David R. Kimball land") in the City of Mackay, Custer County, Idaho, thence THIRTY (30) feet in a Southeasterly direction along White Knob Street to the REAL POINT OF BEGINNING; thence Southeasterly ONE HUNDRED (100) feet along White Knob Street; thence Southwesterly ONE HUNDRED TWENTY FIVE (125) feet along the Northeasterly boundary of the Gene Hocking property; thence Northwesterly ONE HUNDRED (100) feet; thence Northeasterly ONE HUNDRED TWENTY FIVE (125) feet to the Point of Beginning, said parcel containing Twelve Thousand Five Hundred (12,500) square feet, more or less.

SUBJECT TO zoning, building and land use requirements and restrictions imposed by any governmental unit; and

SUBJECT TO easements and rights of way, including utility of sight and record.

PARCEL 10:

A plot of ground situated in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 28, T 7 N, R 24 E. B.M. and described as follows, to-wit:

Beginning at a point which is S 46 degrees 30 minutes E 230. feet from the southerly corner of the intersection of White Knob street, extended, and the U.P. Railroad smelter spur right-of-way in the Village of Mackay, Custer County, Idaho;

Thence S 46 degrees 30 minutes E 100. feet along the westerly line of White Knob Street, extended;

Thence S 43 degrees 31 minutes W 125. feet:

Thence N 46 degrees 30 minutes W 100. feet.

Thence N 43 degrees 31 minutes E 125. feet to the place of beginning, containing 0.29 acre.