

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

Notice of Change in Water Right Ownership

DEC 16 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

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?
34-302 OK	Yes ☒	Split into 34-302 & 34-14590			Yes ☐
34-10056B OK	Yes ☒	Split into 34-10056B & 34-14592			Yes ☐
34-7019B OK	Yes ☒	Split into 34-7019B & 34-14591			Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name:

Robert & Josephine Spraker
Name of current water right holder/claimant

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

DELVIN HALE ROXANNE HALE
New owner(s) as listed on the conveyance documentName connector ☐ and ☒ or ☐ and/or2745 US Hwy 93 N
Mailing addressArco
CityIdaho 83213
State ZIP208-527-3660
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: 12.5.2016

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 # 34-302

8. Signature:

Signature of new owner/claimant

OWNER
Title, if applicable12-11-16
Date

- Signature:

Signature of new owner/claimant

OWNER
Title, if applicable12-11-16
Date

For IDWR Office Use Only:

Received by

DM
JB

Date

12-16-2016

Receipt No.

S035853

Receipt Amt.

\$300-

Approved by

Processed by

JB

Date

2/8/2017



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 2, 2016

DELVIN & ROXANNE HALE
PO BOX 8020
MORELAND ID 83256

RE: Ownership of Water Right 34-302, 34-7019B, and 34-10056B¹

Dear Mr. and Ms. Hale,

On November 19, 2016, I received the letter you sent requesting that IDWR update ownership on the above referenced water rights to reflect yourself as the current owners.

You can still update the ownership by completing and submitting a *Notice of Change in Water Right Ownership* form ("change of ownership"). You will need to submit the form with a copy of the warranty deed or means of conveyance showing ownership of the property, and the required filing fees.

For your convenience I am enclosing copies of the water right that cover your parcel. You can see from the maps that the place of use for the water rights cover both your property and your neighbors property. When you file the change of ownership, the rights will need to be split and only the portion applicable to your property will be changed into your name. Because the rights need to be split and because they are no longer pending before the court, there is a filing fee of \$100 per right that needs to be split. Therefore the total filing fee is \$300.

When completed, please send the completed change of ownership form along with warranty deed and filing fees, to the Southern Region office in Twin Falls. I have highlighted the address on the form.

Respectfully,

Craig L. Saxton
Adjudication Technical Analyst
craig.saxton@idwr.idaho.gov
208.287.4916

¹ Note that these water right numbers are slightly different than what I originally sent you. That is because since that time, Spraker Land and Livestock filed a change of ownership and split off the portion still applicable to their property.

For Value Received, Victoria K. Hale, does hereby convey, release, remise, all interest in the property located in 2745 N Highway 93, Arco, Idaho 83213, and whose address is 25 W. Wickieup Lane, Phoenix, AZ. 85027, to Delvin Hale, and Roxanne Hale (husband and wife). Whose address is 2745 N Highway 93, Arco, Idaho 83213, the following described premises situated in Butte County, Arco, Idaho 83213, to-wit: (see exhibit "A") along with all water rights with any and all appurtenances.

By: Victoria K. Hale
Victoria K. Hale

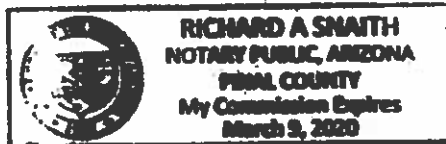
December 5, 2016
Date

State Of Arizona)

SS.

County of Maricopa)

On this 5 day of Dec. before me, a Notary Public in and for said State,
personally appeared Victoria K. Hale, known or identified to be the person whose name is
subscribed to the within instrument, and acknowledge to me that he/she executed the same.



Seal

[Signature]
Notary Public

Residing at: Phoenix Arizona

Commission Expires: 3/9/2020

portion of the NW $\frac{1}{4}$ of Section 14, Township 4 North, Range 26 E.B.M., Butte County, Idaho, lying westerly of the westerly right-of-way of U.S. Highway 93A, being more particularly described as follows: Commencing at the NW corner of said Section 14, from which the W $\frac{1}{4}$ corner bears S. 00°00'00" W. (BLM record bearing - 1948) a distance of 9.70 feet; thence from the NW corner of said Section 14, S. 00°00'00" W. along the W. boundary of the NW $\frac{1}{4}$ of said Section 14 a distance of 1108.47 feet to the Point of Beginning; thence continuing along the W. boundary of the NW $\frac{1}{4}$ of said Section 14, S. 00°00'00" W. a distance of 1531.23 feet to the SW corner of the NW $\frac{1}{4}$ of said Section 14; thence S. 89°51'21" E. along the S. boundary of the NW $\frac{1}{4}$ of said Section 14 a distance of 0.87 feet to the westerly right-of-way of U.S. Highway 93A; thence N. 22°53'32" W. along the westerly right-of-way of said highway a distance of 1773.18 feet to the southeasterly corner of T. No. 27076, Butte County records; thence S. 82°31'00" W. along the southerly boundary of said T. No. 27076, a distance of 376.54 feet to the southwesterly corner of said T. No. 27076; thence S. 82°31'00" W. a distance of 381.02 feet to the W. boundary of the NW $\frac{1}{4}$ of said Section 14 and the Point of Beginning,

EXHIBIT 'A'

EPT: Commencing at the NW corner of said Section 14, (recorded Instrument No. 26560, Butte Co. Records), from which the W $\frac{1}{4}$ corner of said Section 14 (recorded Instrument No. 26561) bears S. 00°00' W., (basis of bearings - G.L.O. record 1944), a distance of 2639.70 feet; thence from the NW corner of said Section 14, S. 00°00' W. along the boundary of the NW $\frac{1}{4}$ of said Section 14, a distance of 1,108.47 feet to the point of beginning; thence S. 00°00' W. along the West boundary of the NW $\frac{1}{4}$ of Section 14, a distance of 400.00 feet; thence S. 84°12'15" E. a distance of 1009.90 feet to the westerly boundary of the U.S. Highway 93A right-of-way; thence N. 22°53'32" W. along the westerly boundary of the U.S. Highway right-of-way, a distance of 652.00 feet; thence S. 82°31'00" W. a distance of 156 feet to the west boundary of the NW $\frac{1}{4}$ of said Section 14, and the point of beginning.

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.

RECEIVED

JAN 09 2017

Department of Water Resources

#29198

MEMORANDUM OF REAL ESTATE SALE

THIS MEMORANDUM AND NOTICE IS HEREBY GIVEN that on the 26th day of June, 1995, ROBERT L. SPRAKER and JOSEPHINE SPRAKER, husband and wife, and DELVIN HALE and ROXANNE HALE, husband and wife, executed a Real Estate Sale Agreement wherein the Seller agreed to sell to the Buyer, and the Buyer agreed to purchase from the Seller, that property in Butte County, Idaho, described as follows:

A parcel of land generally described as being a portion of the northwest quarter of Section 14, Township 4 North, Range 26 East of the Boise Meridian, Butte County, Idaho, lying westerly of the westerly right-of-way of U.S. Highway 93A; being more particularly described as follows:

Commencing of the northwest corner of said Section 14, from which the west one-quarter corner of said Section 14 bears South 00° 00' 00" West, (B.L.M. record bearing - 1948), a distance of 2639.70 feet; thence from the northwest corner of said Section 14, South 00° 00' 00" West along the west boundary of the northwest quarter of said Section 14, a distance of 1108.47 feet to the POINT OF BEGINNING.

Thence continuing along the west boundary of the northwest quarter of said Section 14, South 00° 00' 00" West, a distance of 1531.23 feet to the southwest corner of the northwest quarter of said Section 14; thence South 89° 51' 21" East along the south boundary of the northwest quarter of said Section 14, a distance of 1440.87 feet to the westerly right-of-way of U.S. Highway 93A; thence North 22° 53' 32" West along the westerly right-of-way of said highway, a distance of 1773.18 feet to the southeasterly corner of T. No. 27076, Butte County records; thence South 82° 31' 00" West along the southerly boundary of said T. No. 27076, a distance of 376.54 feet to the southwesterly corner of said T. No. 27076; thence South 82° 31' 00" West, a distance of 381.02 feet to the west boundary of the northwest quarter of said Section 14, and the POINT OF BEGINNING.

The above described parcel of land contains 40.19 acres, more or less, and is subject to a prescriptive overhead powerline easement parallel with and adjoining a portion of the easterly boundary thereof; said parcel is also subject to a prescriptive irrigation ditch easement for the "East Side Ditch" across the westerly portion thereof.

Together with all appurtenances and hereditaments thereunto belonging, including improvements, ditch and water rights.

Subject to all conditions, restrictions, reservations, easements, leases, rights-of-way, rights, zoning ordinances, and government regulations of record, as to

STATE OF IDAHO)

County of Butte)

On this 21st day of June, 1995, before me the undersigned, a Notary Public for Idaho, personally appeared DELVIN HALE and ROXANNE HALE, known to me to be the persons whose names are subscribed to the within 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 first above written.



[Signature]
Notary Public for the State of Idaho
Residing at Butte Idaho
My Commission Expires 11-18-2000

L:\STREETS\MEMO.SAL

NO. 029198
FILED

JUN 29 1995

10:50 A.M. P.M.
BUTTE COUNTY RECORDER

[Signature]

which Buyer has actual or constructive notice or shall appear upon physical inspection of the demised premises. Seller makes no representations or warranties regarding the location of any and all fence lines or the condition of any buildings, structures, or improvements appurtenant thereto.

Together with all improvements, easements, and appurtenances thereto, and subject to such rights, zoning regulations, easements, restrictions and covenants as appear of record or by use upon the premises.

Said Agreement is being held in escrow at the Bank of Commerce of Idaho Falls, Idaho.

Dated this 26th day of June, 1995.

Robert L. Spraker
ROBERT L. SPRAKER, Seller

Delvin A. Hale
DELVIN HALE, Buyer

Josephine Spraker
JOSEPHINE SPRAKER, Seller

Roxanne Hale
ROXANNE HALE, Buyer

STATE OF IDAHO)

County of Butte)

On this 26th day of June, 1995, before me the undersigned, a Notary Public for Idaho, personally appeared ROBERT L. SPRAKER and JOSEPHINE SPRAKER, known to me to be the persons whose names are subscribed to the within 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 first above written.



Shirley R. Roney
Notary Public for the State of Idaho

Residing at Arco Idaho

My Commission Expires: 11-18-2000

MEMORANDUM OF REAL ESTATE SALE - 3

031227

QUITCLAIM DEED

GRANTORS, DELVIN HALE and ROXANNE HALE, Husband and Wife, of ROUTE 1, BOX 458, ARCO, IDAHO, 83213, for good and valuable consideration, the receipt of which is hereby acknowledged, do hereby REMISE, RELEASE and forever QUITCLAIM, unto LOST RIVER CATTLE COMPANY, LIMITED PARTNERSHIP, an Idaho Limited Partnership, whose current address is 2745 US HIGHWAY 93 NORTH, ARCO, IDAHO, 83213, as GRANTEE, and to GRANTEE'S successors and assigns forever, all of the following described real estate, situated at 2745 US HIGHWAY 93 NORTH, ARCO, BUTTE COUNTY, IDAHO, to-wit:

[SEE LEGAL DESCRIPTION ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.]

TOGETHER, with all tenements, hereditaments and appurtenances thereunto belonging.

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

IN WITNESS WHEREOF, GRANTORS have hereunto caused the deed to be executed this 7th day of April, 1997.

Delvin A. Hale Roxanne Hale
DELVIN HALE ROXANNE HALE

STATE OF IDAHO)
) ss.
County of Bonneville)

On this 7th day of April, 1997, before me, the undersigned, a Notary Public in and for said state, personally appeared DELVIN HALE and ROXANNE HALE, Husband and Wife, known to me to be the persons who executed the within 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.



Chris Morimoto
Idaho Notary Public
Residing at Idaho Falls, Idaho
My Commission Expires: 5/22/97

NO. 31227
RECORDED

APR - 8 1997

AM 10:00
BUTTE COUNTY RECORDER
C. A. W. L. S.

All of the following described real estate located in the County of Butte, State of Idaho:

A parcel of land generally described as being a portion of the northwest quarter of Section 14, Township 4 North, Range 26 East of the Boise Meridian, Butte County, Idaho, lying westerly of the westerly right-of-way of U.S. Highway 93A; being more particularly described as follows:

Commencing of the northwest corner of said Section 14, from which the west one-quarter corner of said Section 14 bears South 00° 00' 00" West, (B.L.M. record bearing - 1948), a distance of 2639.70 feet; thence from the northwest corner of said Section 14, South 00° 00' 00" West along the west boundary of the northwest quarter of said Section 14, a distance of 1108.47 feet to the POINT OF BEGINNING.

Thence continuing along the west boundary of the northwest quarter of said Section 14, South 00° 00' 00" West, a distance of 1531.23 feet to the southwest corner of the northwest quarter of said Section 14; thence South 89° 51' 21" East along the south boundary of the northwest quarter of said Section 14, a distance of 1440.87 feet to the westerly right-of-way of U.S. Highway 93A; thence North 22° 53' 32" West along the westerly right-of-way of said highway, a distance of 1773.18 feet to the southeasterly corner of T. No. 27076, Butte County records; thence South 82° 31' 00" West along the southerly boundary of said T. No. 27076, a distance of 376.54 feet to the southwesterly corner of said T. No. 27076; thence South 82° 31' 00" West, a distance of 381.02 feet to the west boundary of the northwest quarter of said Section 14, and the POINT OF BEGINNING.

The above described parcel of land contains 40.19 acres, more or less, and is subject to a prescriptive overhead powerline easement parallel with and adjoining a portion of the easterly boundary thereof; said parcel is also subject to a prescriptive irrigation ditch easement for the "East Side Ditch" across the westerly portion thereof.

Together with all appurtenances and hereditaments thereunto belonging, including improvements, ditch and water rights.

Subject to all conditions, restrictions, reservations, easements, leases, rights-of-way, rights, zoning ordinances, and government regulations of record, as to which Buyer has actual or constructive notice or shall appear upon physical inspection of the demised premises. Seller makes no representations or warranties regarding the location of any and all fence lines or the condition of any buildings, structures, or improvements appurtenant thereto.

Together with all improvements, easements, and appurtenances thereto, and subject to such rights, zoning regulations, easements, restrictions, and covenants as appear of record or by use upon the premises.

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
168 West Pacific/P.O. Box 868
Blackfoot, ID 83221

NO. 0044310
RECORDED
MAR 30 2007
11:00 A.M.
BUTTE COUNTY RECORDER
Kim Hamill

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 201368-B (vb)

Date: February 27, 2007

For Value Received, **Lost River Cattle Company, Limited Partnership**, an Idaho Limited Partnership, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Victoria Hale, an unmarried woman**, hereinafter called the Grantee, whose current address is **2745 North U.S. Highway 93, Arco, ID 83213**, the following described premises, situated in **Butte County, Idaho**, to-wit:

A portion of the NW¼ of Section 14, Township 4 North, Range 26 E.B.M., Butte County, Idaho, lying westerly of the westerly right-of-way of U.S. Highway 93A, being more particularly described as follows: Commencing at the NW corner of said Section 14, from which the W¼ corner bears S. 00°00'00" W. (BLM record bearing - 1948) a distance of 2639.70 feet; thence from the NW corner of said Section 14, S. 00°00'00" W. along the W. boundary of the NW¼ of said Section 14 a distance of 1108.47 feet to the Point of Beginning; thence continuing along the W. boundary of the NW¼ of said Section 14, S. 00°00'00" W. a distance of 1531.23 feet to the SW corner of the NW¼ of said Section 14; thence S. 89°51'21" E. along the S. boundary of the NW¼ of said Section 14 a distance of 1440.87 feet to the westerly right-of-way of U.S. Highway 93A; thence N. 22°53'32" W. along the westerly right-of-way of said highway a distance of 1773.18 feet to the southeasterly corner of T. No. 27076, Butte County records; thence S. 82°31'00" W. along the southerly boundary of said T. No. 27076, a distance of 376.54 feet to the southwesterly corner of said T. No. 27076; thence S. 82°31'00" W. a distance of 381.02 feet to the W. boundary of the NW¼ of said Section 14 and the Point of Beginning,

EXCEPT: Commencing at the NW corner of said Section 14, (recorded Instrument No. 26560, Butte Co. Records), from which the W¼ corner of said Section 14 (recorded Instrument No. 26561) bears S. 00°00' W., (basis of bearings - G.L.O. record 1944), a distance of 2639.70 feet; thence from the NW corner of said Section 14, S. 00°00' W. along the boundary of the NW¼ of said Section 14, a distance of 1,108.47 feet to the point of beginning; thence S. 00°00' W. along the West boundary of the NW¼ of Section 14, a distance of 400.00 feet; thence S. 84°12'15" E. a distance of 1009.90 feet to the westerly boundary of the U.S. Highway 93A right-of-way; thence N. 22°53'32" W. along the westerly boundary of the U.S. highway right-of-way, a distance of 652.00 feet; thence S. 82°31'00" W. a distance of 757.56 feet to the west boundary of the NW¼ of said Section 14, and the point of beginning.

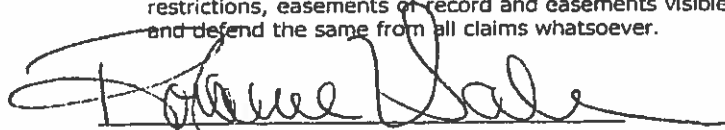
SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

Date: 02/27/2007

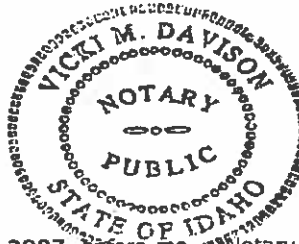
Warranty Deed
- continued

File No. 201368-B (vb)

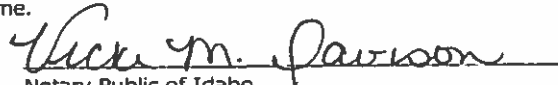
TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from 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.


Roxanne Hale, General Partner

STATE OF Idaho)
COUNTY OF Butte)



On this 29th day of March, 2007, before me, a Notary Public in and for said State, personally appeared **Roxanne Hale**, known or identified to me to be the general partner in the partnership of **Lost River Cattle Company, Limited Partnership**, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that she executed the same in said partnership name.



Notary Public of Idaho

Residing at: 3320 N. 3175 N. Moore ID 83255

Commission Expires: 6-19-2010



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 16, 2017

Delvin Hale
Roxanne Hale
2745 US Hwy 93 N
Arco ID 83213

RE: Change of Ownership for Water Rights 34-302 (Split into 34-302 & 34-14590), 34-7019B (Split into 34-7019B & 34-14591) & 34-10056 (Split into 34-10056 & 34-14592)

Dear Water Right Holder:

The department acknowledges receipt of correspondence changing ownership and splitting the above referenced water right. The department has modified its records to reflect the changes and has enclosed computer-generated reports for your records.

Your portion of the water right has a specified point of diversion, nature of use and place of use. If you plan on changing any of these, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. If you do not plan on changing any items on your water right, then no further action is required at this time.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been deliberately abandoned or forfeited 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 Sections 42-222 and 42-223, Idaho Code.

Please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Jonie Barg
Technical Records Specialist

Enclosures

cc: Robert Spranker
Josephine Spranker
Water District 34

Joanie

1.6.17

Papers you
Requested for
Water Resources Trial.

RECEIVED

JAN 09 2017

Department of Water Resources
Eastern Region

Thank you

Joanne Hale

Enclosed are form and information you

12.11.16

RECEIVED

DEC 22 2016

Department of Water Resources
Eastern Region

Requested of us concerning water rights on the property
of 2745 US Hwy 93 N Arco, Idaho.

As I had told you when I requested your help, we purchased this property in 1994 from Robert & Josephine Spraker. Repeatedly we requested and were denied our water rights and the use of said water rights though they were in fact legally ours with the purchase of said property.

Due to my husband Delvin Hales illness (West Nile) we sold the property to our eldest daughter Victoria K. Hales to insure I would be taken care of as his wife in the event of a worse case scenario.

We recently bought said property back from Victoria as you can see from the transaction. I hope fully with your help & assistance we can finally bring this issue to a close. We have paid for these water rights since 1994. Thank you and if you need any further information please do not hesitate to let me know.

Thank you
Sincerely
Roxanne Hales
Roxanne Hales

RECEIVED

DEC 16 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION