

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 21 2016

RECEIVED

NOV 30 2016

Notice of Change in Water Right Ownership

Department of Water Resources
Eastern 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?
74-15654	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: BETTY LEE IRBY, Trustee of THE Probirby Family Trust
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Scott R. Spaeth
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or

P.O. Box 147

Mailing address

SALMON

City

Id.

State

83467

ZIP

208-752-3646 RES/208-766-3004

Telephone

srs@custertel.net

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: 10-13-2016

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.

8. Signature: Scott R. Spaeth Title, if applicable _____ Date 11-15-2016
Signature of new owner/claimant

- Signature: _____ Title, if applicable _____ Date _____
Signature of new owner/claimant

For IDWR Office Use Only:

Received by [Signature] Date 11-21-2016 Receipt No. E042619 Receipt Amt. \$25.00
Approved by [Signature] Processed by [Signature] Date Dec. 19, 2016

WARRANTY DEED

Alliance Title & Escrow Corp. Order No.:313455

FOR VALUE RECEIVED

Betty Lee Irby, Trustee of the Probirby Family Trust dated December 3, 2009

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Scott R. Spaeth a single man *SRS*

whose current address is

**PO Box 147
Salmon, ID 83467**

the grantee(s), the following described premises, in Lemhi County, Idaho, TO WIT:

PARCEL A:

**LOT 2 OF AMENDED LOTS 2 AND 3, MOUNTAIN VIEW HEIGHTS
SUBDIVISION, LOCATED IN THE NORTHWEST QUARTER SECTION 15, T.
21 N., R. 22 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, RECORDED IN
BOOK 10 OF RECORD OF SURVEYS AT PAGE NO. 87.**

PARCEL B:

**AN EASEMENT APPURTENANT TO PARCEL "A" FOR INGRESS AND
EGRESS AND UTILITY PURPOSES, LOCATED IN THE NORTHEAST
QUARTER NORTHEAST QUARTER, SECTION 16, T. 21 N., R. 22 E., MORE
PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCING AT THE EAST QUARTER CORNER OF SAID
SECTION 16 FROM WHICH THE NORTHEAST CORNER OF SAID SECTION
BEARS NORTH 2650.09 FT., THE BASIS OF BEARING OF THIS
DESCRIPTION, RUN THENCE NORTH ALONG THE EASTERLY BOUNDARY
OF SAID SECTION A DISTANCE OF 1652.90 FT. TO THE POINT OF
BEGINNING;**

**THENCE DUE WEST A DISTANCE OF 5.00 FT. TO A POINT ON THE
EASTERLY RIGHT-OF-WAY OF THOMAS LANE;**

**THENCE NORTH ALONG SAID RIGHT-OF-WAY A DISTANCE OF
50.00 FEET;**

**THENCE DUE EAST A DISTANCE OF 5.00 FT. TO A POINT ON THE
EASTERLY BOUNDARY OF SAID SECTION;**

**THENCE SOUTH ALONG SAID BOUNDARY A DISTANCE OF 50.00 FT.
TO THE POINT OF BEGINNING.**

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: May 18, 2016

Probirby Family Trust

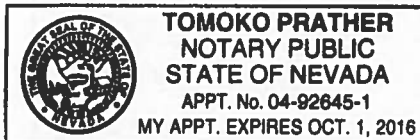
Betty Lee Irby, TRUSTEE
Betty Lee Irby, Trustee

State of Nevada } ss.
County of Clark }

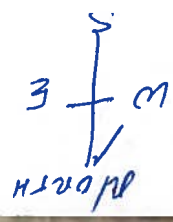
On this 18th day of May, 2016, before me, Tomoko Prather, a Notary Public in and for said state, personally appeared Betty Lee Irby known or identified to me to be the person whose name is subscribed to the foregoing instrument as trustee of the Probirby Family Trust, and acknowledged to me that she executed the same as Trustee.

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

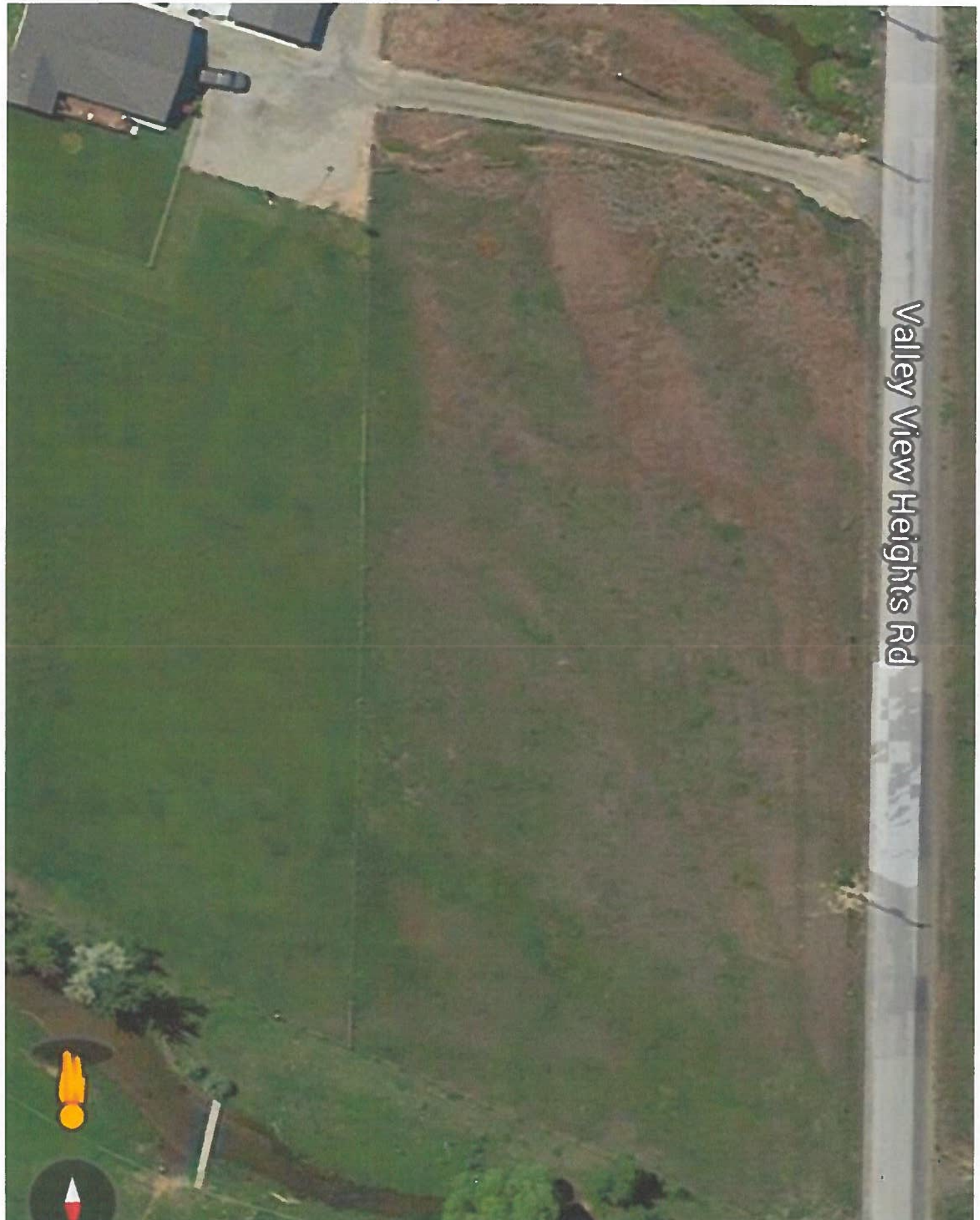
Tomoko Prather
Notary Public for the State of Nevada
Residing at: Henderson, NV
Commission Expires: October 01, 2016



SCOTT R. SPAETH



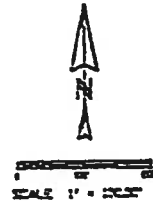
UPPER DITCH w/ water right
SRS



Valley View Heights Rd

RECORD OF SURVEY AMENDED LOTS 2 AND 3 MOUNTAIN VIEW HEIGHTS SUBDIVISION LOCATED IN THE NW 1/4, SECTION 15, T. 21 N., R. 22 E., BOISE MERIDIAN, LEHHI COUNTY, IDAHO

THE SURVEYOR HAS BEEN ADVISED BY THE LANDOWNER THAT THE LOTS ARE TO BE AMENDED TO CONFORM WITH THE SUBDIVISION MAP AND THE RECORD OF SURVEY.

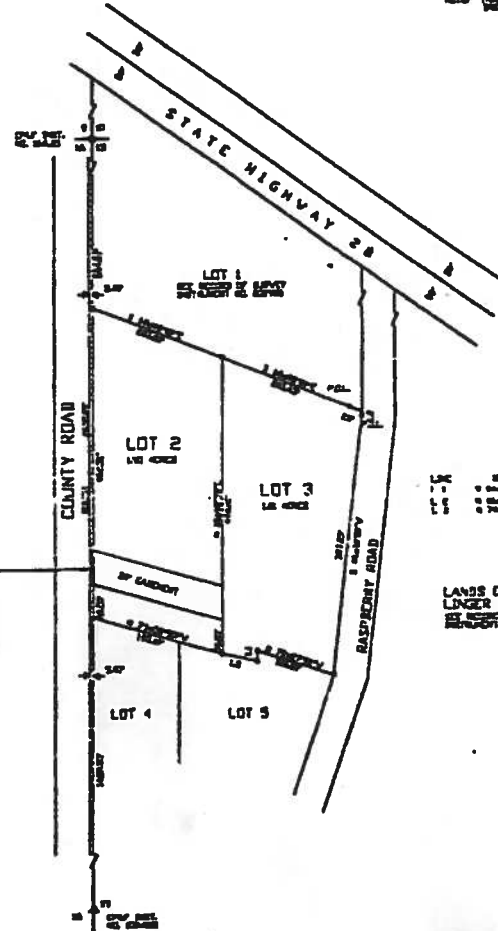


LEGEND

- ALL LOTS ARE TO BE AMENDED TO CONFORM WITH THE SUBDIVISION MAP AND THE RECORD OF SURVEY.
- CONFORMED WITH THE SUBDIVISION MAP AND THE RECORD OF SURVEY.
- ALL LOTS ARE TO BE AMENDED TO CONFORM WITH THE SUBDIVISION MAP AND THE RECORD OF SURVEY.
- POINT ON LINE

DESCRIPTION OF EASEMENT

A EASEMENT FOR THE PURPOSE OF THE SUBDIVISION MAP AND THE RECORD OF SURVEY IS GRANTED TO THE LANDOWNER OF THE LOTS TO BE AMENDED TO CONFORM WITH THE SUBDIVISION MAP AND THE RECORD OF SURVEY.



LANDS OF
 LINGER
 BEING
 BEING

SURVEYOR'S CERTIFICATE

THE SURVEYOR HAS BEEN ADVISED BY THE LANDOWNER THAT THE LOTS ARE TO BE AMENDED TO CONFORM WITH THE SUBDIVISION MAP AND THE RECORD OF SURVEY.



COUNTY RECORDER'S CERTIFICATE

RECORDED BY LEHHI COUNTY
 THE _____ DAY OF _____ 19____

WADE SURVEYING
 22-52-27

The Company has not surveyed the premises described in _____. The sketch below is furnished without charge solely for the purpose of assisting in locating said premises and the Company assumes no liability as to the validity, location, or ownership of any easement or other matter shown thereon, nor for the inaccuracies therein, including the accurate location of boundaries, including water boundaries. This sketch does not purport to show all highways, roads and easements adjoining or affecting said premises, nor is it a part or modification of the report, commitment, policy or other title evidence to which it may be attached.

COUNTY ROAD

SOUTH 2650.09'

462.31'

LOT 2

N 00° 08' 59" E 440.80'

LOT 3

387.05'

S 06° 18' 00" W

RASPBERRY ROAD

LOT 1
SEE RECORD OF SURVEY
INSTRUMENT NO. 208986

IE HIGHWAY 28

#125210
Easement

584.87'

5.00'

S 68° 08' 00" E 203.20'

S 68° 08' 00" E P.O.L. 205.45'

20' P.O.L.

LINE	BEA
L 1	S 04° 3'
L 2	N 06° 1'
L 3	N 78° C

N OF EASEMENT

AND EGRESS AND UTILITY PURPOSES
SECTION 16. T. 21 N.. R.. 22 E.. MORE
FOLLOWS:
CORNER OF SAID SECTION 16 FROM WHICH
N BEARS NORTH 2650.09 FT.. THE BASIS OF
RUN THENCE NORTH ALONG THE EASTERLY
DISTANCE OF 1652.90 FT. TO THE POINT OF

NCE OF 5.00 FT. TO A POINT ON THE
MAS LANE:
RIGHT-OF-WAY A DISTANCE OF 50.00 FT.:
NCE OF 5.00 FT. TO A POINT ON THE
CTION:

LANDS OF
LINGER
SEE RECORD I
INSTRUMENT I

50' EASEMENT

N 73° 52' 55" W 195.10'

N 72° 27' 00" W 120.00'

5.00'

L3



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 19, 2016

SCOTT R SPAETH
PO BOX 147
SALMON ID 83467

RE: Change of Ownership for Water Right Decree No(s): 74-15654

Dear Water Right Holder(s):

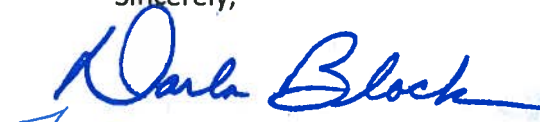
The Department acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records to reflect this change in ownership and has enclosed a computer-generated report for your records.

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 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 § 42-222 and §42-223, Idaho Code.

Also note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right, to the Department. Notice of the change must be provided to the Department within 120 days of the change. Change reporting forms are available from any office of the Department, or at www.idwr.idaho.gov.

Thank you for your patience. If you have any questions concerning the enclosed information, please feel free to contact me at (208) 287-4942.

Sincerely,


For Jean Hersley
Technical Records Specialist II

Enclosure(s)