Form 42-248/42-1409(6) Rev. 03/13

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
APR 12 2016
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?
35-7991B OK	Yes ☐		Yes ☐		Yes ☐
35-7668 OK	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Ben Cavaness
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Lee + Judy Kress
New owner(s) as listed on the conveyance document Name connector ☐ and ☑ or ☐ and/or

[redacted] P.O. Box 204 — American Falls — ID — 83211
Mailing address — City — State — ZIP

208-226-2766 — alk4048@aol.com
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: 4/10/08.

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.

SUPPORT DATA IN FILE # 35-7668

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.

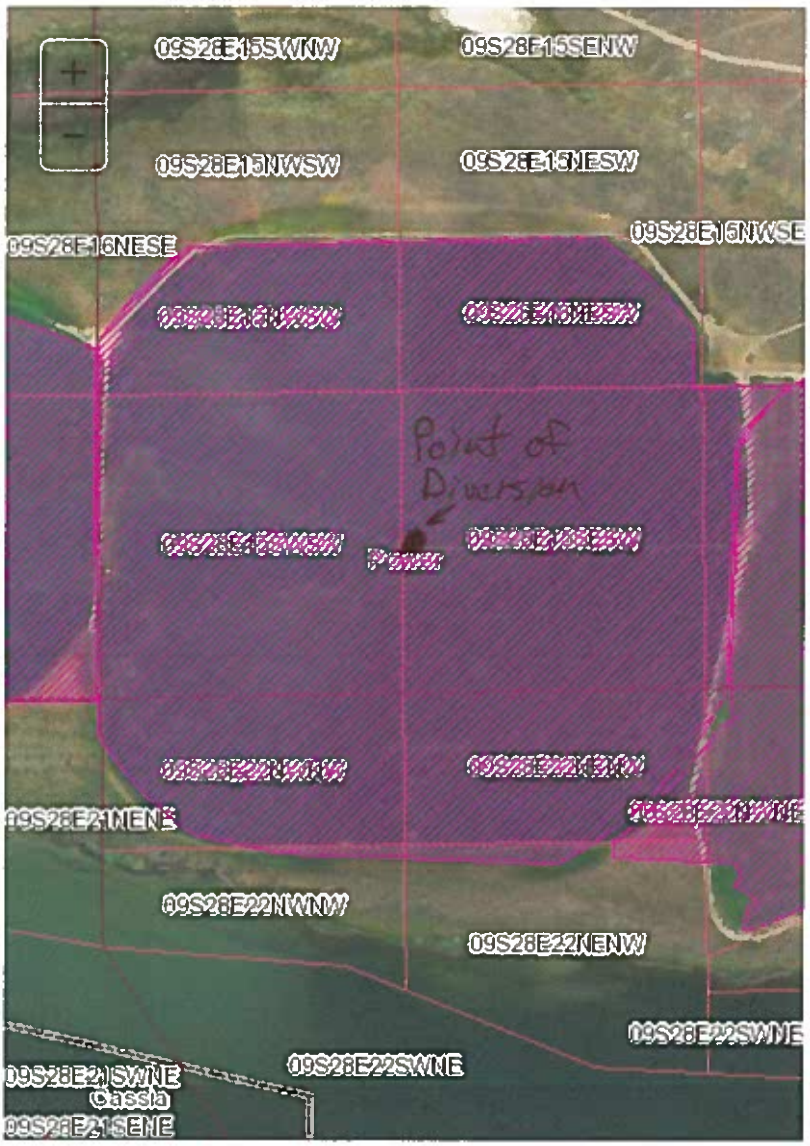
8. Signature: Lee Kress — Signature of new owner/claimant — Title, if applicable — Date 4/6/2016

Signature: Judy J Kress — Signature of new owner/claimant — Title, if applicable — Date 4/6/2016

For IDWR Office Use Only:

Receipted by JB — Date 4/12/2016 — Receipt No. E042013 — Receipt Amt. $50.-

Approved by JB — Processed by JB — Date 4/22/2016


09S28E15SWNW
09S28E15SENW
09S28E15NWSW
09S28E15NESW
09S28E16NWSE
09S28E16NESE
Point of Diversion
09S28E21NENE
09S28E22NWNW
09S28E22NENW
09S28E22SWNE
09S28E21SWNE
Cassia
09S28E21SENE

0 270 meters

Pioneer Co.

135 N. Arthur Ave. / Pocatello, Idaho 83204
(208) 233-9595

Instrument # 194153
POWER COUNTY, IDAHO
2008-08-17 03:25:10 No. of Pages: 2
Recorded for : LEE KRESS
CHRISTINE STEINLICHT Fee: 6.00
Ex-Officio Recorder Deputy Jennifer Rupp

Order No. 20080517 LT

WARRANTY DEED

For Value Received

Ben Cavaness and Linda L. Cavaness, husband and wife

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Lee Kress and Judy Kress, husband and wife

hereinafter referred to as Grantee, whose current address is _____

the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that 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.

Dated: April 8, 2008

Ben Cavaness
Ben Cavaness

Linda L. Cavaness
Linda L. Cavaness

STATE OF

ss.

COUNTY OF .

On this 10th day of April, in the year of 2008, before me, the undersigned, notary public personally appeared Ben Cavaness and Linda L. Cavaness, known or identified to me to be the person/persons whose name is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

AMY ZAMPEDRI NOTARY PUBLIC STATE OF IDAHO

Notary Public of Idaho
Residing at 246 Idaho St. American Falls, ID
Commission expires: July 27, 2013

1/2

EXHIBIT A

A parcel of land located in Sections 15 and 22 of Township 9 South, Range 28 East, Boise Meridian, Power County, Idaho. The Rescue Placer Claim as shown on mineral survey no. 2643, more particularly described as follows:

Beginning at the Southwest corner of said Section 15; thence North 0°12' West 1977.6 feet to corner no. 1 of said placer claim; thence North 89°32' East 2631.2 feet to corner no. 2 of said placer claim;

Thence South 0°07' East 2629.8 feet to corner no. 3 of said placer claim; thence South 89°22' West 2627.3 feet to corner no. 4 of said placer claim; thence North 0°12' West 660.0 feet to the point of beginning.

SAVE AND EXCEPT: a Well and Pump site in the SW¼ of Section 15, also a part of the Rescue Place in the Bonanza Bar Group of Mineral Survey No. 2643, in Township 9 South, Range 28, East Boise Meridian, described as follows:

Beginning at a point on the West line of said Section 15, also the West line of said Rescue Placer, which bears North 00°13'04" West 1534.33 feet from the Southwest corner of said section, said Point of beginning being marked with a buried stone;

Thence North 00°13'04" West, continuing along the West line of said Section 15, a distance of 25.00 feet; thence North 89°46'56" East 30.00 feet; thence South 00°13'04" East 40.00 feet; thence South 89°46'56" West 30.00 feet to a point on the West line of said Section 15; thence North 00°13'04" West 15.00 feet to the true point of beginning.

EXCEPTING AND RESERVING unto the predecessor's in interest of the Grantor herein, all mineral rights, including gravel that exist with reference to the conveyed real estate, including the right of ingress and egress.

Pioneer Co.

135 N. Arthur Ave. / Pocatello, Idaho 83204
(208) 233-9595

Instrument # 194154
POWER COUNTY, IDAHO
2008-05-17 03:28:04 No. of Pages: 2
Recorded for : JASON KRESS
CHRISTINE STENLICHT Fee: 8.00
Ex-Officio Recorder Deputy Jennifer Rupp

Order No. 20080516 LT

WARRANTY DEED

For Value Received

Ben Cavaness and Linda Cavaness, husband and wife

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Jason Kress and Jennifer Kress, husband and wife

hereinafter referred to as Grantee, whose current address is_____

the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that 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.

Dated: April 8, 2008

Ben Cavaness
Ben Cavaness

Linda Cavaness
Linda Cavaness

STATE OF

s.

COUNTY OF

On this 10th day of April, in the year of 2008, before me, the undersigned, notary public personally appeared Ben Cavaness and Linda Cavaness, known or identified to me to be the person/persons whose name is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

AMY ZAMPEDRI NOTARY PUBLIC STATE OF IDAHO

Notary Public of Idaho
Residing at 216 Idaho St, Jerome Falls ID
Commission expires: July 21, 2013

1/2

EXHIBIT A

Parcel 1A

A parcel of land located in Sections 15 and 22 of Township 9 South, Range 28 East, Boise Meridian, Power County, Idaho. The North Star Placer Claim as shown on mineral survey no. 2643, more particularly described as follows:

Beginning at the Southeast corner of said Section 15; thence South 0°09' East 95.3 feet to corner no. 1 of said placer claim; thence South 67°33' West 2855.5 feet to corner no. 2 of said placer claim; thence North 0°07' West 2480.7 feet to corner no. 3 of said placer claim; thence North 89°32' East 2640.6 feet to corner no. 4 of said placer claim; thence South 0°09' East 1316.8 feet to the point of beginning.

ALSO THE FOLLOWING DESCRIBED EASEMENT:
Commencing at the Northeast corner of the SE¼ NE¼ SW¼ of Section 14, Township 9 South, Range 28 East, Boise Meridian; thence South of the center section line of said Section 14 a distance of 20.0 feet to the true point of beginning;

Thence West on a line parallel to and 20.0 feet South of the Southerly line of the N½ N½ of the SW¼ of said Section 14 a distance of 2611.1 feet, more or less, to a point, which point is 20.0 feet East of the West section line of said section and 20.0 feet South of the Northwest corner of the SW¼ NW¼ SW¼ of said Section 14; thence South on a line parallel to and 20.0 feet East of the West section line of said Section 14 a distance of 665.4 feet to a point.

Parcel 1B

A parcel of land in the SW corner of the Excelsior Placer in the SW¼ of Section 14 and the NW¼ NW¼ of Section 23, Township 9 South, Range 28 East, Boise Meridian, Power County, Idaho, described as follows:

Beginning at the Southwest corner of said Section 14, which is marked with a 5/8" rebar and aluminum cap PLS 843 buried 24"; thence North 00°09'00" West along the West line of said Section 14, a distance of 700.11 feet; thence from a tangent bearing South 49°01'27" East along a curve to the right, having a radius of 1413.0 feet, through a central angle of 30°38'47" for an arc length of 755.79 feet to a point on the Northerly boundary of the Minidoka National Wildlife Refuge;

Thence South 67°02'00" West along said Northerly boundary a distance of 447.79 feet to a point on the West line of said Section 23, said point being a Brass Cap monument; thence North 00°09'00" West, along said west line a distance of 95.92 feet to the TRUE POINT OF BEGINNING.

EXCEPTING AND RESERVING unto the predecessor's in interest of the Grantor herein all mineral rights, including gravel that exist with reference to the conveyed real estate, including the right of ingress and egress.

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

April 22, 2016

Lee Kress
Judy Kress
PO Box 204
American Falls ID 83211

RE: Change of Ownership for Water Right No(s). 35-7668 & 35-7991B

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right(s) to you. The department has modified its records to reflect the change in ownership and has enclosed computer-generated reports 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 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.

Also, 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

Enclosure(s)

cc: Water District 120
Aberdeen American Falls Ground Water District