

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED
AUG 28 2014
DEPARTMENT OF
WATER RESOURCES
DE

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. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
79-14231	Yes ☒	Yes ☐	Split into 79-14231	Yes ☐	Yes ☐
79-14233	Yes ☒	Yes ☐	Split into 79-14259	Yes ☐	Yes ☐
	Yes ☐	Yes ☐	Split into 79-14233	Yes ☐	Yes ☐
	Yes ☐	Yes ☐	Split into 79-14260	Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Killgore's Salmon River Forest Co.
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): W. Wayne & Darthea King
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☒ and/or
- 1342 Sh. Oakhampton Dr. Eagle, ID ID 83616
Mailing address City State ZIP
- 208-375-3848 duking@cablone.net
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: _____
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
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.
 - ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
 - ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

SUPPORT DATA

IN FILE # 79-14231

8. Signature: Walter Wayne King 08/28/14
Signature of new owner/claimant Title, if applicable Date
- Signature: Darthea Bensent King 08/28/14
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by [Signature] Date 8/28/14 Receipt No. C099343 Receipt Amt. \$200⁰⁰

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by _____ Processed by [Signature] Date 10-16-14

434344

WARRANTY DEED

THIS INDENTURE, made on this 15TH day of ~~February~~^{MARCH}, 2004, by and between KILLGORE'S SALMON RIVER FRUIT CO., an Idaho corporation, of HC01 Box 160, White Bird, ID 83554, hereinafter referred to as the Grantor, and WALTER WAYNE KING and DORTHEA BENSON KING, husband and wife, of 1304 South Oriole Way, Boise, ID 83709, hereinafter referred to as the Grantees.

WITNESSETH:

That the said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, and other good and valuable considerations to it in hand paid by the said Grantees, the receipt whereof is hereby acknowledged, having granted, bargained, sold, and by these presents does grant, bargain, sell, convey, and confirm unto the said Grantees, their heirs and assigns, all the following described real property situate in the County of Idaho, State of Idaho, to wit:

Lot 21 of Killgore's Horseshoe Bend Estates II, a subdivision of Idaho County, State of Idaho, as shown by the recorded plat thereof;

TOGETHER WITH the nonexclusive right to use all of the roads platted and shown on the recorded plat of the Killgore's Horseshoe Bend Estates II Subdivision, being Idaho County Instrument #411406, EXCEPTING AND RESERVING unto the Grantor, for itself and its other successors and assigns, all rights and easements referred to as items A, B, C, D, and E on the plat of Killgore's Horseshoe Bend Estates II; and, (Those easements do not benefit the lot herein granted.)

TOGETHER WITH the right to connect said Lot 21 to underground telephone service and power service on and along the perimeter of the lot as is required through the platted streets of the Killgore's Horseshoe Bend Estates II, which will ultimately provide power and telephone service to the lot from the local utility providers; and,

TOGETHER WITH those rights, duties, and obligations set forth in a Road Maintenance Agreement, including the terms and conditions thereof, by and between Killgore's Salmon River Fruit Co., developer, and Elmer DeFord and Marilyn DeFord, husband and wife, purchasers, recorded April 13, 2000 under Instrument #0411405, records of Idaho County, Idaho.

TOGETHER WITH, all and singular, the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, the remainder and remainders, 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 Grantor.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances unto the said Grantees, their heirs and assigns, forever.

And the said Grantor, for itself, its heirs, executors, and administrators, does covenant,

grant, bargain, and agree to and with the said Grantees, their heirs and assigns, that at the time of the ensealing and delivery of these presents it was well seized of the premises above conveyed as of good, sure, perfect, absolute, and indefeasible estate of inheritance, in fee simple, and have good right, full power, and lawful authority to grant, bargain, sell, and convey the same in the manner and form aforesaid, and that the same are free and clear from all and former grants, bargains, liens, taxes, assessments, and encumbrances of whatever kind or nature whatsoever, *EXCEPT*:

- 1) General taxes for the year 2004, which are a lien, not yet due and payable.
- 2) Subject to the terms and conditions thereof as set forth in Mining Patent Deed, by and between The United States of America and Frank L. Bedford, Oliver O. Gordon, Frank F. McFarland, and Frank L. Taylor, recorded July 3, 1936 in Book 1 page 567, records of Idaho County, Idaho.
- 3) Easement, including the terms and conditions thereof, by and between Frank L. Taylor and Anna B. Taylor, to Pacific Telephone & Telegraph Co., recorded February 11, 1931 under Instrument #94939, in Book 59 page 217, records of Idaho County, Idaho;
 - a) said Easement was assigned to Idaho Telephone Company, recorded September 30, 1968, under Instrument #232099; and,
 - b) a Quitclaim Deed, by and between GTE Northwest Incorporated, a Washington corporation, successor in interest, Grantor, and Citizens Telecommunications Company of Idaho, a Delaware corporation, Grantee, recorded March 15, 1994 under Instrument #373279; all records of Idaho County, Idaho.
- 4) Right of Way Easement, including the terms and conditions thereof, by and between Killgore's Salmon River Fruit Co., Lesly R. Killgore, Pres., and Carl Killgore, Sec., and Idaho County Light & Power Cooperative Assoc., recorded November 24, 1997 under Instrument #396958, records of Idaho County, Idaho.
- 5) Right of Way Easement, including the terms and conditions thereof, by and between Killgore's Salmon River Fruit Co., Lesly R. Killgore, Pres., and Carl Killgore, Sec., and Idaho County Light & Power Cooperative Assoc., Inc., a corporation, recorded February 18, 1998 under Instrument #398386, records of Idaho County, Idaho.
- 6) Findings, Conclusions, and Order Granting Variance, in the Matter of the Variance Petition for Horseshoe Bend Subdivision, including the terms and conditions thereof, executed by the Board of Commissioners, recorded September 29, 1998 under Instrument #402375, records of Idaho County, Idaho.
- 7) Covenants, Conditions, and Restrictions of Killgore's Horseshoe Bend Estates II, including the terms and conditions thereof, recorded April 13, 2000 under Instrument #0411404, records of Idaho County, Idaho. Subject to First Amendment to Covenants, Conditions, and Restrictions of Killgore's Horseshoe Bend Estates II, recorded May 25, 2000 under Instrument #0411954, records of Idaho County, Idaho.
- 8) Road Maintenance Agreement, including the terms and conditions thereof, by and between Killgore's Salmon River Fruit Co., developer, and Elmer DeFord and Marilyn DeFord, husband and wife, purchasers, recorded April 13, 2000 under Instrument #0411405, records of Idaho County, Idaho.
- 9) Utility Easements as set forth on the recorded plat of Killgore's Horseshoe Bend Estates II.
- 10) Sanitary Restrictions as set forth on the recorded plat of Killgore's Horseshoe Bend Estates II.

11) Any claim arising from the difference in mean high water line of the Salmon River and the meander line as shown by Government Survey or the State of Idaho.

12) Rights of the public to use the waters of the Salmon River for fishing, boating, and other recreational uses.

And that the above bargained premises, in the quiet and peaceable possession of the said Grantees, their heirs and assigns, against all and every person or persons lawfully claiming or to claim whole or any part thereof, the said Grantor will and shall WARRANT AND FOREVER DEFEND.

That this deed is given by Grantor to Grantees not on account of any default in any security agreements or arrangements which pertain to the real property hereinabove written and described, but is given for full consideration paid by Grantees to Grantor.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal the day and year first above written.

KILLGORE'S SALMON RIVER FRUIT CO.

By Lesly R. Killgore
LESLY R. KILLGORE, President

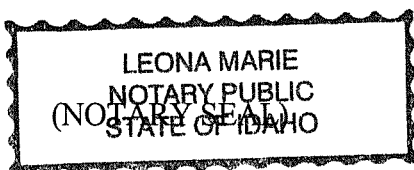
ATTEST:

Carl Killgore
CARL KILLGORE, Secretary

STATE OF IDAHO)
 ss
County of Idaho)

On this 15th day of ~~February~~ ^{MARCH}, 2004, before me, a Notary Public in and for said County and State, personally appeared LESLY R. KILLGORE, President of Killgore's Salmon River Fruit Co., known to me to be the person whose name is subscribed to the within instrument and he acknowledged to me that he freely executed the same for and on behalf of the corporation.

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



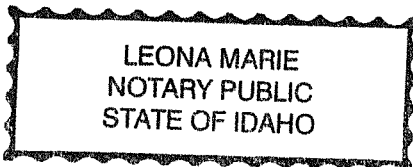
Leona Marie
Notary Public for the State of Idaho,
Residing at Grangeville, therein.
My commission expires April 01-2009.

STATE OF IDAHO)
SS
County of Idaho)

On this ~~15TH~~ ^{MARCH} day of ~~February~~, 2004, before me, a Notary Public in and for said County and State, personally appeared CARL KILLGORE, Secretary of Killgore's Salmon River Fruit Co., known to me to be the person whose name is subscribed to the within instrument and he acknowledged to me that he freely executed the same for and on behalf of the corporation.

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

(NOTARY SEAL)



Leona Marie
Notary Public for the State of Idaho,
Residing at Grangeville, therein.
My commission expires April 01-2009.

STATE of IDAHO	
County of Idaho	
Recorded at request of <u>IDAHO COUNTY TITLE CO.</u>	
at <u>2:45 p</u>	on <u>3-15-04</u>
ROSE E. GEHRING	
By <u>Sander Jones</u>	Recorder
Fees \$ <u>12.00</u>	Deputy



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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

October 16, 2014

W WAYNE KING
DORTHEA KING
1342 W OAKHAMPTON DR
EAGLE ID 83616

Re: Change in Water Right Ownership: Water Right No. 79-14231(Split into 79-14231 and 79-14259 and 79-14233(Split into 79-14233 and 79-14260)

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 based on the information received to reflect the change in ownership and has enclosed a computer-generated report for your records.

Your portion of these water rights has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form or you can find the forms at www.idwr.idaho.gov. 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 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 feel free to contact me at 208-287-4942 if you have any questions concerning the enclosed information or this letter.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure



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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

October 16, 2014

KILLGORES SALMON RIVER FRUIT CO
3252 WATER FRONT DR
WHITE BIRD ID 83554

Re: Change in Water Right Ownership: Water Right No. 79-14231(Split into 79-14231 and 79-14259 and 79-14233(Split into 79-14233 and 79-14260)

Dear Water Right Holder(s):

We have received and processed a Change of Ownership for a portion of your original Water Right as referenced above. This change of ownership resulted in a split of your original water right.

When a portion of the original water right has been conveyed to another and the original right has been split, then the original water right number is renumbered by issuing a new water right number to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new water right number reflects your remaining portion of the original water right, after the change of ownership. Enclosed is a copy of this new water right for your records. Please refer to your new water right number when corresponding with our office.

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 Sections 42-222 and 42-223, Idaho Code.

If you have any questions concerning this ownership change, or the enclosed information, please contact me at 208-287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure