



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 4, 2014

ROGER GRAHAM YOUNG
PO BOX 430
MOUNTAIN HOME ID 83647-0430

RE: Ownership Change for Water Right No's: 2-10217; 2-10431

Dear Applicant:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. However, the application has not been processed due to insufficient documentation.

The following was either not submitted with the notice or needs some clarification.

- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. You needed to submit a copy of the recorded deed that showed you as the owner of the land associated with the water rights.
- Past correspondence from the Department to the applicant has remained unanswered.

Because the Department cannot process this request at this time, we are returning the application and all attachments. You may submit this form with the required documentation and fees at any time. A refund has been requested and will be sent to the payer under separate cover.

Thank you for your cooperation, if you have any questions please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Strange', followed by a long horizontal line extending to the right.

Jennifer Strange
Office Specialist II
Western Regional Office

Enclosures

CC: Alliance Title & Escrow Corp

Strange, Jennifer

From: Strange, Jennifer
Sent: Wednesday, June 04, 2014 4:45 PM
To: Marston, Sascha
Subject: REFUND REQUEST

TO: Sascha Marston
FROM: Jennifer Strange
DATE: June 4, 2014

RE: Refund Ownership Change – ROGER GRAHAM YOUNG

Please refund \$50.00. This ownership change was received on December 13, 2013. The applicant did not send in a recorded deed that showed him as the owner of the land associated with the water rights. Correspondence sent was unanswered.

NAME: ALLIANCE TITLE & ESCROW CORP

ADDRESS: PO BOX 813
MOUNTAIN HOME ID 83647

RECEIPT#: W041710

Thank-you,

Jennifer Strange
Office Specialist II
IDWR - Western Region
Office: 208-334-2190

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED

DEC 13 2013

WATER RESOURCES
WESTERN REGION

DEV

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?
PD 2-10217	Yes ☐		Yes ☐		Yes ☐
PD 2-10431	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Dennis T. McCurry & Paula D. McCurry and (Irrevocable Trust of Ryan L. McCarthy)
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Roger Graham Young
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- | | | | |
|---------------------|----------------------|-----------|--------------|
| <u>P.O. Box 430</u> | <u>Mountain Home</u> | <u>ID</u> | <u>83647</u> |
| Mailing address | City | State | ZIP |
| <u>208-845-2108</u> | | | |
| Telephone | Email | | |

4. If the water rights and/or adjudication claims were split, how did the division occur? N/A
- ☐ 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: 12-16-2013

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 # 2-10217

8. Signature: Roger Graham Young 12-11-2013
Signature of new owner/claimant Date

Signature: _____ _____
Signature of new owner/claimant Date

For IDWR Office Use Only:

Received by JA Date 12/16/13 Receipt No. W041710 Receipt Amt. \$50.00
Approved by _____ Processed by N/A Date _____

DEED IN LIEU OF FORECLOSURE

THIS INDENTURE, made this 3rd day of October, 2002, by and between Robert Craig Petersen, also known as Robert Craig Peterson, and LaRae Petersen, also known as LaRae McClintick Petersen, also known as Larae M. Petersen, husband and wife, as Grantors, and U.S. Bank National Association, as Grantee.

WITNESSETH: The said GRANTORS for and in consideration of the sum of \$1.00, and other good and valuable consideration to them in hand paid by said GRANTEE, the receipt of which is hereby acknowledged, do by these presents grant, bargain, sell, and convey unto the said GRANTEE, and to its heirs and assigns, the following described premises, situate in the County of Elmore County, State of Idaho, to witness:

Lots 1, 2, 3, 4 in Block 22 of FRUITLAND SUBDIVISION, Elmore County, Idaho, according to the official plat thereof on file and of record in the office of the County Recorder of Elmore County, Idaho, together with all water rights, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and claims and demands whatsoever either at law or equity.

SUBJECT TO the exceptions set forth in **Exhibit A**.

TOGETHER WITH all tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and claims and demands whatsoever of the said Grantors, either at law or in equity of, in and to the above described premises.

TOGETHER WITH all water and water rights, whether riparian, appropriate, or otherwise, and whether or not appurtenant to or used in connection with the above-described premises, ditch and ditch rights and any shares of stock, licenses, or permits evidencing such water and ditch rights and all wells, reservoirs, dams, embankments, and fixtures, and all easements necessary for the transportation of such water to the above-described premises, including but not limited to those water rights and easements more particularly set forth in **Exhibit B**.

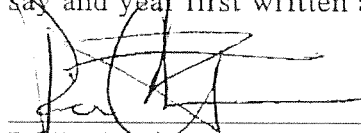
TO HAVE AND TO HOLD the same unto the said Grantee and to its successors and assigns forever.

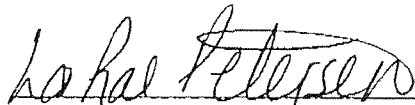
THIS DEED is an absolute conveyance of title, in effect as well as in form, and it is not intended as a mortgage, trust conveyance, or security of any kind. The consideration thereof is the sum of \$1.00 and the conditional release of all debts and obligations heretofore existing on account of the Deed of Trust on said lands recorded April 29, 1998, as Instrument No. 307610, of the official records, and the amendment to Trust Deed recorded July 10, 1998, as Instrument No. 309075, along with any subsequent modifications thereof and the conditional release of all debts and obligations.

AND THE SAID GRANTORS, for themselves, and for their heirs, executors, administrators or assigns, does hereby covenant and agree to and with the said Grantee, its successors and assigns, that at the time of the delivery of these presents, they are well seized of the premises above conveyed in fee simple absolute, 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 of all former and other grants, bargains, sales, liens, taxes, assessments, and encumbrances of whatever kind or description.

AND THE ABOVE bargained premises in quiet and peaceable possession of the said Grantee, its successors and assigns, against all and every person or persons lawfully claiming of to claim the whole or any part thereof, the said Grantees, and their heirs and assigns, shall and will warrant and defend forever.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals the day and year first written above.


ROBERT CRAIG PETERSEN


LARAE PETERSEN a/k/a LARAE
MCCLINTICK PETERSEN

(Notary acknowledgements follow)

Instrument # 339964
Elmore County, Idaho
02:40pm Oct. 08, 2002
For: GUARANTY TITLE INC
No. of Pages: 7 Fee: \$21.00
GAIL L. BEST, Recorder
Deputy: DAC

STATE OF Az)
) ss:
County of Yavapai)

On this 3rd day of October 2002, before me, the undersigned notary public, personally appeared ROBERT CRAIG PETERSEN, known or identified to me to be the person whose name is/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.

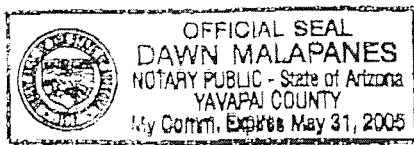


Dawn Malapanes
Notary Public
Residing at Cottonwood Az
Comm. Expires 5-31-05

STATE OF Az)
) ss:
County of Yavapai)

On this 3rd day of October 2002, before me, the undersigned notary public, personally appeared LARAE PETERSEN, known or identified to me to be the person whose name is/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.



Dawn Malapanes
Notary Public
Residing at Cottonwood Az
Comm. Expires 5-31-05

EXHIBIT A
PERMITTED EXCEPTIONS

1. 2002 taxes are an accruing lien, not due or payable until the fourth Monday in November of the current year, the first one-half of which is not delinquent until after December 20th of the current year.

2. Reservations in United States Patent, recorded as Instrument No. 13687.

3. Rights of way for ditches, tunnels and telephone and transmission lines constructed by authority of the United States, as granted to the United States under provisions of Section 58-604, Idaho Code.

4. Easements on the recorded plat of said subdivision.

5. Reservations in that certain Quit Claim Deed by and between Ivan G. Scates and M. Lucile Scates, husband and wife as grantors and Jack Mendyk and Opal Mendyk, husband and wife as grantees, recorded November 24, 1951, as Instrument No. 82969.

6. Easement granted to Idaho Power Company, recorded as Instrument No. 80243.

7. Reservations in that certain Warranty Deed by and between Violet Obenchain, a widow and Madeline Obenchain and Guy J. Obenchain, husband and wife as grantors and Jack Mendyk and Opal Mendyk, as husband and wife as grantees, recorded March 31, 1965, as Instrument No. 124471.

8. Easement granted to Idaho Power Company, recorded as Instrument No. 264278.

9. Deed of trust to secure an original indebtedness of \$207,000.00, and any other amounts and/or obligations secured thereby.

Recorded: May 17, 1993, Instrument No. 274138

Grantor: Irrevocable Trust of Ryan L. McCarthy

Trustee: Guaranty Title, Inc.

Beneficiary: Estates of Cyrus Lynn Standlee and Kathryn Ann Standlee,
Deceased

AND assigned to Amy Lynn Standlee Trust and Chester Gene Standlee Trust, recorded November 22, 1994, as Instrument No. 284089.

10. Mortgage to secure an original indebtedness of \$138,000.00, and any other amounts and/or obligations secured thereby.
Recorded: May 17, 1993, as Instrument No. 274140
Mortgagor: Michael J. McCarthy as Trustee for the Irrevocable Trust of Ryan L. McCarthy
Mortgagee: The Estates of Cyrus Lynn Standlee and Kathryn Ann Standlee, both Deceased

AND assigned to Amy Lynn Standlee Trust and Chester Gene Standlee Trust, recorded November 22, 1994, as Instrument No. 284089.

11. Deed of trust to secure an original indebtedness of \$315,900.00, and any other amounts and/or obligations secured thereby.
Recorded: June 13, 1994, Instrument No. 281195
Grantor: Robert Craig Petersen and LaRae Petersen, husband and wife
Trustee: Guaranty Title, Inc.
Beneficiary: Michael J. McCarthy as trustee for the Irrevocable Trust of Ryan McCarthy

12. Agreement regarding Irrigation upon the terms, conditions and provisions contained therein.
Parties: Michael J. McCarthy, Trustee of the Irrevocable Trust of Ryan L. McCarthy and Robert Craig Petersen and LaRae McClintick Petersen, husband and wife
Recorded: October 6, 1994, as Instrument No. 283255

13. Covenant to Construct and Maintain Fencing, executed by Robert Craig Petersen and LaRae Petersen, husband and wife, recorded October 6, 1994, as Instrument No. 283254.

14. Deed of trust to secure an original indebtedness of \$49,329.00, and any other amounts and/or obligations secured thereby.
Recorded: March 9, 1995, Instrument No. 285744
Grantor: Robert Craig Petersen and LaRae McClintick Petersen
Trustee: Guaranty Title, Inc.
Beneficiary: Michael J. McCarthy as Trustee for the Irrevocable Trust of Ryan L. McCarthy

15. Covenant Restricting Use of Real Property, executed by Robert Craig Petersen and LaRae Petersen, husband and wife, recorded March 9, 1995, as Instrument No. 285745.

16. Covenant to Construct and Maintain Fencing, executed by Robert Craig Petersen and LaRae Petersen, husband and wife, recorded March 9, 1995, as Instrument No. 285746.

17. Deed of trust to secure payment of all obligations of Linella, Inc. to Beneficiary and any other amounts and/or obligations secured thereby.

Recorded: April 29, 1998, Instrument No. 307610
Grantor: Robert Craig Petersen and LaRae M. Petersen
Trustee: TransNation Title Insurance Company
Beneficiary: U.S. Bank National Association

AND Amendment of Trust Deed executed by Robert Craig Petersen and LaRae M. Petersen as Grantors and U.S. Bank National Association, recorded July 10, 1998, as Instrument No. 309075.

Second Amendment of Trust Deed executed by Robert Craig Petersen and LaRae M. Petersen as Grantors and U.S. Bank National Association, recorded October 30, 1998, as Instrument No. 311345.

Third Amendment of Trust Deed executed by Robert Craig Petersen and LaRae M. Petersen as Grantors and U.S. Bank National Association, recorded January 20, 1999, as Instrument No. 312941.

Fourth Amendment of Trust Deed executed by Robert Craig Petersen and LaRae M. Petersen as Grantors and U.S. Bank National Association, recorded September 23, 1999, as Instrument No. 318074.

EXHIBIT B
WATER RIGHTS

1. Water Right No. 2-2148.
2. Any and all rights in the King Hill Irrigation District.
3. Any and all wells on the Property.
4. Any and all rights under that certain Agreement Regarding Irrigation, as amended, by and between Craig and LaRae Petersen and the Irrevocable Trust of Ryan L. McCarthy dated, September 30, 1994, and recorded October 6, 1994, as Instrument No. 2832555.

2907343_3.DOC

WARRANTY DEED

FOR VALUE RECEIVED,

U.S. Bank National Association

duly organized and existing under the laws of the State of IDAHO, does hereby GRANT, BARGAIN, SELL and CONVEY unto

WILSON PROPERTIES, L.P.

GRANTEE whose address is:

the following described real property in **ELMORE** County, Idaho, to wit:

Lots 1, 2, 3 and 4 in Block 22 of FRUITLAND SUBDIVISION, Elmore County, Idaho, according to the official plat thereof on file and of record in the office of the County Recorder of Elmore County, Idaho, together with all water rights, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and claims and demands whatsoever either at law or equity.

Subject to: Taxes, easements and restrictions of record.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its Assistant Vice President.

Dated: 06/11/03

U.S. Bank National Association

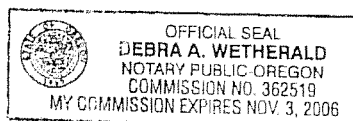
By: William Jans, Assistant Vice President

State of OREGON

County of MULTNOMAH

On 6/12/03, before me, the undersigned, a Notary Public in and for said State, personally appeared William Jans, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed the within instrument as Assistant Vice President on behalf of U.S. Bank National Association, the bank therein named, and acknowledged to me that such bank executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.



Debora A. Wetherald
Notary Public
Residing at:
Commission Expires: 11/3/06

Instrument # 347527
Elmore County, Idaho
04:01pm Jun. 16, 2003
For: FIRST AMERICAN TITLE COMPANY
No. of Pages: 1 Fee: \$3.00
GAIL L. BEST, Recorder
Deputy: DLE

WARRANTY DEED

FOR VALUE RECEIVED

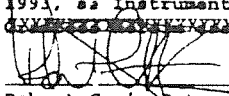
Michael J. McCarthy, as Trustee for the Irrevocable Trust of Ryan L. McCarthy

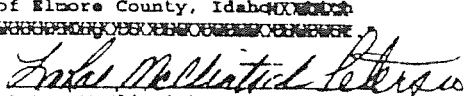
GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto
Robert Craig Petersen and LaRae McClintick Petersen, husband and wife

GRANTEE(S), whose current address is: HC 63 BOX 2C, Hammett, ID 83627
Elmore County, State of Idaho,
the following described real property in
more particularly described as follows, to wit:

Lots 2 and 3, Block 22, Fruitland Subdivision, Elmore County, Idaho,
according to the official plat thereof on file and of record in the office
of the County Recorder of Elmore County, Idaho.

*Subject to that certain Mortgage executed by Grantors; recorded May 17,
1993, as Instrument No. 274140, records of Elmore County, Idaho.


Robert Craig Petersen


LaRae McClintick Petersen

ELMORE COUNTY, IDAHO ss
Request of

GUARANTY TITLE, INC.

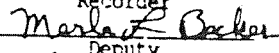
Time 2:28 P.M.

Date March 9, 1995

Book Page

DOLORES ROBISON

Recorder

By 
Deputy

Fee \$3.00

285743

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said
Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all
encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done
by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements,
(if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the
current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all
lawful claims whatsoever, except those of record.

Dated: March 9, 1995

RE-RECORDED

ELMORE COUNTY, IDAHO ss
Request of

GUARANTY TITLE, INC.

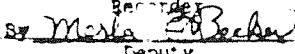
Time 10:53 A.M.

Date March 16, 1995

Book Page

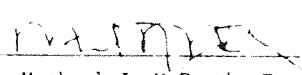
DOLORES ROBISON

Recorder

By 
Deputy

Fee \$3.00

285844


Michael J. McCarthy, Trustee

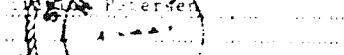
STATE OF IDAHO)
) ss.
COUNTY OF ELMORE)

On this 9th day of March, 1995, before me, a Notary Public
personally appeared
Michael J. McCarthy, Trustee
known or identified to me to be the
person whose name is subscribed to
the within instrument, and that he is
the Irrevocable Trust of Ryan L. McCarthy,
and acknowledged to me that he executed
the same as such trustee.

SIGNATURE 
NAME Sheryl A. Reymont
RESIDING AT Mountain Home
MY COMMISSION EXPIRES 12-27-99

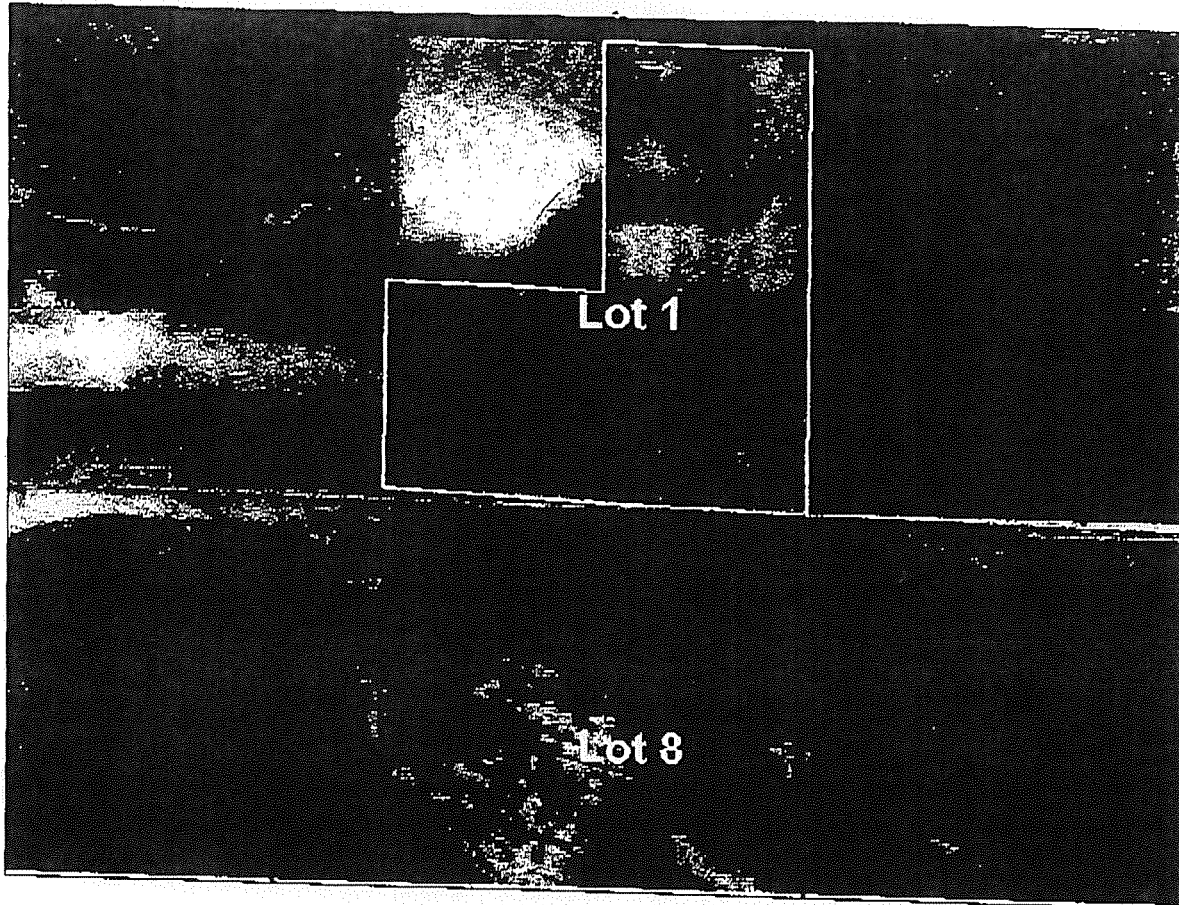
STATE OF Idaho, County of Elmore

On this 9th day of March, 1995, before me, a Notary Public in and for the State of Idaho, personally appeared
Robert Craig Petersen and LaRae McClintick Petersen, husband and wife,
known or identified to me to be the person(s) whose names
are subscribed to the within instrument, and
acknowledged to me that they executed the same.

Signature 
Name Sheryl A. Reymont
Residing at Mountain Home
My commission expires 12/27/99

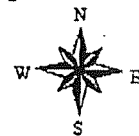
Idaho Department of Water Resources

Place of Use Layout 2-10217

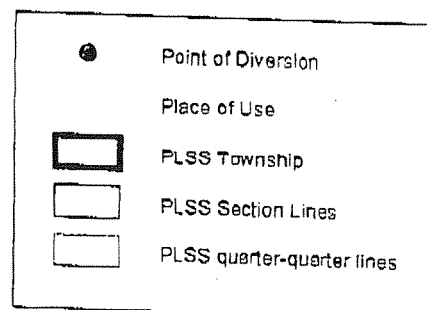


0 0.25 0.5 Miles

Township 6S Range 8E Sections 3



GIS Place of Use Presentation
1987 NAPP photography.
Map prepared by: Scott King
Date prepared: September 4, 2003



*Handwritten signature*State of Idaho
Department of Water Resources

Water Right

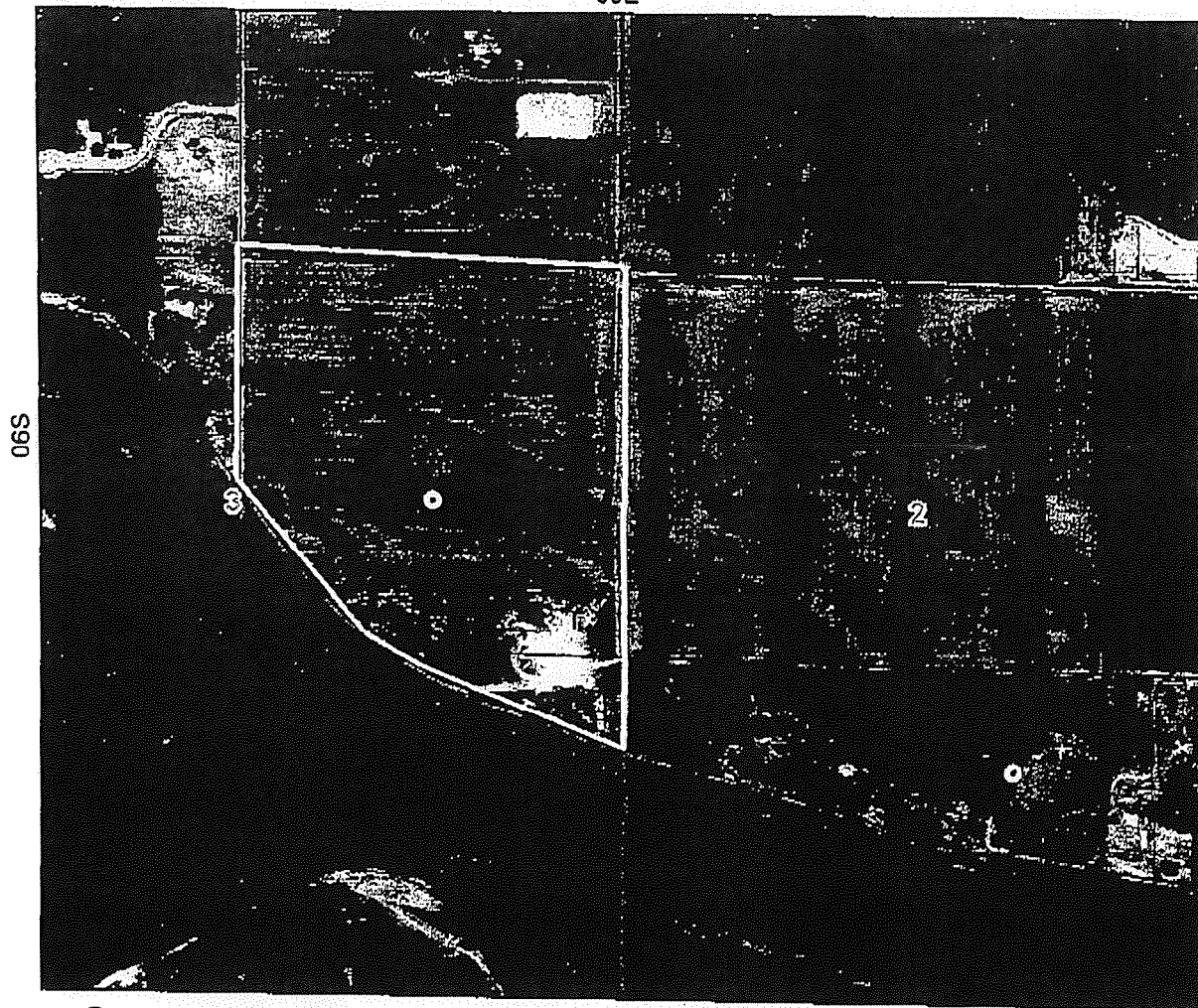
2-10431

McCutty (McCurry)

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

08E



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots

0 0.075 0.15 0.3 Miles



SPECIAL WARRANTY DEED

For the consideration of One Dollar(s) and other valuable consideration,

WILSON PROPERTIES, L.P., an Idaho limited partnership

does hereby convey to

DENNIS T. McCURRY and PAULA D. McCURRY, husband and wife

GRANTEE(s) whose address is: HC 63, Box 20 C, Hammett, ID 83627

the following described real property in ELMORE County, Idaho to wit:

Lots 1, 2, 3 and 4 in Block 22 of FRUITLAND SUBDIVISION, Elmore County, Idaho, according to the official plat thereof on file and of record in the office of the County Recorder of Elmore County, Idaho, together with all water rights, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and claims and demands whatsoever either at law or equity.

Subject to: Taxes, easements and restrictions of record.

The grantor hereby covenants with grantees, and successors in interest, that grantor holds the real estate by title in fee simple; that grantor has good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances, except as may be above stated; and grantor covenants to warrant and defend the real estate against the lawful claims of all persons, except as by, through, or under grantor, but not otherwise.

Words and phrases herein, including the acknowledgement hereof, shall be construed as in the singular or plural number, according to the context.

Dated this 16th day of June, 2003

WILSON PROPERTIES, L.P., an Idaho limited partnership

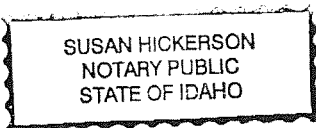
By: FORT WILSON, INC., an Idaho corporation, its general partner

By: Charles H. Wilson
Charles H. Wilson, President

State of IDAHO
County of ELMORE

On this 16th day of June 2003, before me, a notary public in and for said State, personally appeared **Charles H. Wilson**, known or identified to me to be the President of FORT WILSON, INC., an Idaho corporation, the General Partner of WILSON PROPERTIES, L.P., an Idaho limited partnership, and the General Partner or one of the General Partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

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



Susan Hickerson
Notary Public
Residing at: Mts. Home, ID
Commission Expires: 8-13-07

Instrument # 347529
Elmore County, Idaho
04:03pm Jun. 16, 2003
For: FIRST AMERICAN TITLE COMPANY
No. of Pages: 1 Fee: \$3.00
JAIL L. BEST, Recorder
deputy: DLE