

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 04 2014

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?
23-11230 OK	Yes ☐		Yes ☐		Yes ☐
22-13266 OK	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Walter * Zella Byrum
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Kyle Byrum
Name of each new owner as listed on the conveyance document

New owner continued Name connector ☐ and ☐ or ☐ and/or

Mailing address

1209655 S. Arden R. d Ida 83440
City 313-0766 State ZIP

208-356-7879

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: Aug 17 - 2001

6. 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.

7. Signature: Kyle Byrum Owner 3-4-14
Signature of new owner/claimant Title, if applicable Date

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

For IDWR Office Use Only:

Received by JB Date 3/4/2014 Receipt No. E039588 Receipt Amt. \$50 -
Approved by JB Processed by JB Date 3/12/2014 **SUPPORT DATA**

NOTICE OF PURCHASERS INTEREST

NOTICE IS HEREBY GIVEN that the undersigned are parties who have entered into a Contract for the sale of certain real property described hereafter.

1. Names and addresses of the parties:

SELLERS: WALTER L. and ZELLA BYBEE
1147 South Snake River Road
Rexburg, ID 83440

PURCHASERS: KYLE and JOAN BYBEE
12096 South Snake River Road
Rexburg, ID 83440

2. The parties have entered into a Contract of Sale dated August 17, 2001.
3. SELLERS has a vendor's interest in the property and PURCHASERS a vendee's interest.
4. Legal Description: The following described property located in Madison County.

SEE ATTACHED EXHIBIT A

The sale also includes the interest, if any, of SELLERS in the shop equipment and machinery in which SELLERS acknowledge their interest to now be of nominal value, PURCHASERS having already acquired most of it.

Subject to a Life Estate in the SELLERS or the survivor thereof to terminate on death of the survivor or on abandonment of the premises by the SELLERS. During said Life Estate, PURCHASERS shall be responsible for taxes and major repairs. SELLERS shall continue to provide routine maintenance and upkeep.

IN WITNESS WHEREOF, we have set our hands and seals the day and year in the acknowledgements hereinafter set forth.

SELLERS:

Walter L. Bybee
WALTER L. BYBEE

Zella Bybee
ZELLA BYBEE

PURCHASERS:

Kyle Bybee
KYLE BYBEE

Joan Bybee
JOAN BYBEE

Instrument # 290998

REXBURG, MADISON, IDAHO

2001-08-22

02:28:49 No. of Pages: 4

Recorded for : BLAIR J. GROVER

MARILYN R. RASMUSSEN

Fee: 12.00

Ex-Officio Recorder Deputy

County of S. F. Fresno)

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

Notary Public for Idaho

Residing at: Highway 200
Commission Expires: 10/24/03

County of Jefferson)

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

Notary Public for Idaho

Residing at: Highway, Idaho
Commission Expires: 10/24/03

Tract 1:

Lot 5 and the NW1/4NW1/4 of Section 23, and the N1/2NE1/4 and Lots 1 and 2 of Section 22, all in Township 4 North, Range 40 EBM, containing approximately 200 acres. Together with decreed water right of 3/5 of the flow of Elkhorn and Hawley Springs.

LESS:

Commencing at the NE Corner of said Section 22; thence along the line common to said Sections 22 and 23, Due South a distance of 1518.65 feet to the point of beginning, thence South 61°42'06" East a distance of 213.45 feet to a #5 rebar with aluminum cap bearing the PLS #1323, being a typical monument; thence South 18°39'10" West a distance of 681.89 feet to a typical monument; thence North 66°45'08" West a distance of 507.36 feet to a typical monument; thence North 13°44'25" East a distance of 740.70 feet to a typical monument; thence South 61°42'06" East a distance of 363.88 feet to the point of beginning; containing 8.710 acres.

Tract 2:

Commencing at the Quarter corner common to SECTIONS 15 and 22 in Township 4 North, Range 40 East, Boise Meridian, and running thence East 1320 feet; thence North 560 feet; thence West 760 feet; thence North 760 feet; thence West 560 feet; thence South 89°26' West 2180 feet, more or less, to a point 460 feet East of the Northwest corner of the Southwest Quarter of the Southwest Quarter of Section 15 aforesaid; and on the East bank of the Sunnyside Irrigation District Canal; thence South 1°22' East, following the East bank of said canal, 1264 feet; thence South 58°04' East parallel to said canal 1631 feet, more or less, to the West line of the O.S.L. Railroad right of way; thence Southerly approximately 500 feet, following the West boundary line of said right of way to the South boundary line of the Northeast Quarter of the Northwest Quarter of said Section 22, Township and Range aforesaid; thence East 781 feet; thence North 1320 feet to the point of beginning. Same being more particularly described as parts of the South Half of the Southwest Quarter; Southwest Quarter of the Southeast Quarter of Section 15 and Lot 4 and the Northeast Quarter of the Northwest Quarter of said Section 22, Township and Range aforesaid. EXCEPTING therefrom the rights of way for the O.S.L. Railroad and the county roads as now established; and also excepting therefrom the following small tract of land, to-wit: Commencing at a point 400 feet North and 190 feet West from the Southeast corner of the Southwest Quarter of Section 15, Township and Range aforesaid, and running thence East bearing Northerly 330 feet to the West line of the County Road; thence Northwestly, along said County Road line, 200 feet; thence due West 120 feet; thence due South 100 feet; thence due Southwest 44 feet; thence due South 118 feet, more or less, to the point of beginning, together with the right in W. D. Cook and Lulu M. Cook, husband and wife, their heirs and assigns, to use a joint easement and right of way with Walter L. Bybee and Zella Bybee, husband and wife, their heirs and assigns, the private road to this last described property as the same now exists.

EXHIBIT

A

Together with all water and water rights, ditches and ditch rights used thereon or appurtenant thereto, including but not limited to water and ditch rights under the Sunnydell Irrigation District and 260 shares in Palisades Water Users, Inc.

Subject to exceptions and reservations contained in patents from the United States.

Subject to existing easements for roads, highways, ditches, canals, laterals and power and transmission lines.

Subject to the burdens incident to the inclusion of the land within the boundaries of the Sunnydell Irrigation District and Flood Control District No. 1, State of Idaho.

Subject to the railroad right of way granted to Oregon Short Line Railroad Company by three deeds as follows: a. Deed from John D. C. Kruger and Minnie Kruger, his wife, dated August 22, 1914, recorded October 7, 1914 in Book 2 of Deeds, Page 48, under Recorder's Instrument No. 4514, b. Deed from Charles S. Watson and Lena Estelja Watson, his wife, dated August 13, 1914, recorded October 7, 1914 in Book 2 of Deeds, Page 55, under Recorder's Instrument No. 2515, c. Deed from A. H. McConnall and Martha M. McConnall, his wife, dated August 10, 1914 and recorded October 7, 1914 in Book 2 of Deeds, Page 54, under Recorder's Instrument No. 2517, records of said county, to the record of which reference is hereby made for full particulars.

Subject to the rights of way in favor of the United States of America as disclosed by the instruments recorded in Book 36 of Deeds at Pages 137 and 102, records of Madison County, Idaho.

3041167-AB

WARRANTY DEED

ALLIANCE TITLE & ESCROW
P.O. BOX 732
REXBURG, ID 83440

THIS INDENTURE, made this 17 day of August, 2001, between WALTER L. BYBEE and ZELLA BYBEE, his wife, of 11477 South Snake River Road, Rexburg, County of Madison, State of Idaho, the Grantor, and KYLE BYBEE and JOAN BYBEE, his wife, of 12096 South Snake River Road, Rexburg, County of Madison, State of Idaho, the Grantee,

WITNESSETH, that the said Grantor, for and in consideration of the sum of Ten and no/100 Dollars (\$10.00), lawful money of the United States of America, and other good and valuable considerations, to Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold and by these presents, does grant, bargain, sell and convey and confirm unto the said Grantee, and to Grantee's heirs and assigns, forever, all the following described real estate situated in the County of Madison, State of Idaho, to-wit:

SEE ATTACHED EXHIBIT A

The sale also includes the interest, if any, of SELLERS in the shop equipment and machinery in which SELLERS acknowledge their interest to now be of nominal value, PURCHASERS having already acquired most of it.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and 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 Grantee, and to Grantee's heirs and assigns forever. And the said Grantor, and said Grantor's heirs shall and will warrant and by these presents forever defend the said premises in the quiet and peaceable possession of the said Grantee, and Grantee's heirs and assigns, against the said Grantor, and Grantor's heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same.

IN CONSTRUING this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the said Grantor hereunto has set his hand.

Walter L. Bybee
WALTER L. BYBEE

Zella Bybee
ZELLA BYBEE

Instrument # 318316

REXBURG, MADISON, IDAHO

2005-03-17

02:02:00 No. of Pages: 4

Recorded for : ALLIANCE TITLE AND ESCROW

MARILYN R. RASMUSSEN

Fee: 12.00

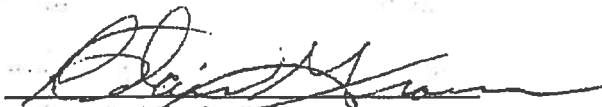
Ex-Officio Recorder Deputy

STATE OF IDAHO)
) ss
County of Jefferson)

On this 17 day of August, 2001 before me, the undersigned, a Notary Public in and for said State, personally appeared WALTER L. BYBEE and ZELLA BYBEE, 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 in this certificate first above written.

(seal)


Notary Public for Idaho

Residing at:

Commission Expires: 10/24/03

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