



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

February 20, 2014

Herbst Properties LLC
74 Lemhi Rd
Salmon ID 83467

The "Notice of Change in Water Right Ownership" for 75-4207 has been returned for the following item(s):

**** The department has returned your application the current owner of the water right is Norton Ditch Co. If you can get a release from the ditch company the department can split the water right, however in most cases the department does not complete any type of ownership change for ditch company water rights. It appears you should receive shares of the water right. If you are supposed to receive shares of the Norton Ditch Company water right, you will need to contact Norton Ditch Company. I have attached a copy of the proof report for your review.

The department has initiated a \$25.00 refund for receipt number E039475. It should arrive from the state office in a couple of weeks.

If you wish to re-file your application at anytime please do not hesitate to do so.

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 within 120 days of the change. Failure to do so could result in a \$100 late filing fee. 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.

If you have any questions please contact Jonie Barg at (208)525-7161.

Respectfully submitted,

Jonie Barg
Technical Records Specialist

Barg, Jonie

From: Barg, Jonie
Sent: Thursday, February 20, 2014 3:06 PM
To: Sutcliffe, Lorna
Subject: Refund Request
Attachments: E039475[1].pdf

Lorna,

Good afternoon!!

I have a refund request as follows:

Receipt number: E039475
Amount: \$25.00
Payable to: Herbst Properties LLC
74 Lemhi Rd
Salmon ID 83467

Reason: Total filing fee received \$25.00 for an ownership change for 1 water right. The department cannot complete the application.

Let me know if you need additional information.

Thank you so much for your time. Let me know if you have any questions.

Have a great day!!!

Jonie Barg

Jonie Barg
Technical Records Specialist
Idaho Department of Water Resources
900 N Skyline Ste A
Idaho Falls ID 83402
phone: (208) 525-7161
fax: (208) 525-7177
email: jonie.barg@idwr.idaho.gov

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED

JAN 27 2014

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?
75-4207	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Michael J and Merridee S. Overacker
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Herbst Properties, LLC, an Idaho LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or

74 Lemhi Rd. Salmon ID 83467
Mailing address City State ZIP
(208) 756-4748 nelsonangusranch@yahoo.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: January 16, 2014

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: Steven R. Herbst Manager-member 1-16-2014
Signature of new owner/claimant Title, if applicable Date

Signature: Janna L. Herbst member 1-16-14
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only: Returned 2/20/2014

Received by [Signature] Date 1/27/2014 Receipt No. E039475 Receipt Amt. \$25.-
Approved by _____ Processed by _____ Date _____

Trustee's Deed

For Value Received

The Michael and Merridee Overacker Trust, dated the 24th day of August, 2005,
Michael J Overacker, III and Merridee S Overacker, Trustees

does hereby convey, release, remise and forever quit claim unto:

Herbst Properties, LLC an Idaho LLC

Whose current address is:

**74 Lemhi Rd
Salmon ID 83467**

the following described property located in Lemhi County, Idaho to-wit:

See Attached Legal 'A'

Dated: January 16, 2014

The Michael and Merridee Overacker Trust, dated the 24th day of August, 2005

By Michael J Overacker III, Trustee By Merridee S Overacker, Trustee
Michael J Overacker, III, Trustee Merridee S Overacker, Trustee

STATE OF IDAHO)
COUNTY OF LEMHI) ss

On this 16th day of January, 2014, before me, a notary public in and for said State, personally appeared Michael J Overacker, III and Merridee S Overacker known to me or proved to me to be the person whose name is subscribed to the within instrument as trustees of THE MICHAEL AND MERRIDEE OVERACKER TRUST, DATED THE 24TH OF AUGUST, 2005 and acknowledged to me that they executed the same as such trustees.

Beth Howell

Notary Public
Residing at: Salmon, ID
Comm. Expires: July 24, 2019

BETH HOWELL
NOTARY PUBLIC
STATE OF IDAHO

A PARCEL OF LAND located in Sections 30 & 31, T. 22 N. R. 22 E., B.M., Lemhi County, Idaho more particularly described as follows: COMMENCING at the West quarter corner of said Section 31, a distance of 60.00 feet on a bearing of N.00°02'13"W, along the Section line, thence S.89°50'11"E 489.81 feet to the REAL POINT OF BEGINNING; thence N.13°59'30"E, 859.54 feet; thence N.29°24'13"W, 513.76 feet; thence N.21°25'53"W, 207.33 feet; thence N. 05°43'24"E, 300.03 feet; thence N.19°43'04"W, 221.15 feet; thence N. 22°28'18"W, 80.40 feet; thence N.23°06'05"E, 106.20 feet; thence N. 07°43'00"W, 116.95 feet; thence N.35°47'36"W, 73.86 feet; thence N.19°45'22"E, 81.12 feet; thence N.53°55'32"W, 120.61 feet; thence N.12°17'39"E, 522.77 feet; thence N.59°49'07"E, 113.85 feet; thence N.16°57'51"E, 257.06 feet; thence N.39°36'54"E, 402.89 feet; thence N.16°37'47"E, 297.50 feet to a point on the North Boundary of Parcel F; thence N.89°51'47"E, 3069.62 feet to a point on the right-of-way of U.S. Highway No. 93; thence S.00°08'38"E, 50.00 feet along said right-of-way to the North line of Ajax View (platted subdivision); thence N.89°25'58"W, 850.00 feet along said north boundary of Ajax View; thence S.00°08'34"E, 719.65 feet along the West Boundary of Ajax View; thence N.89°29'57"W 125.00 feet; thence S.00°08'34"E, 1807.31 feet; thence S.89°56'30"E, 974.97 feet to a point on the right-of-way of U.S. Highway No. 93; thence S.00°08'38"E, 60.00 feet along said right-of-way; thence N.89°56'30"W, 1279.73 feet; thence N.89°50'11"W, 2143.65 feet to the REAL POINT OF BEGINNING.

EXCEPTING THEREFROM: A parcel of land located in the SE4NW4, Section 31, T. 22 N. R. 22 E., B.M., Lemhi County, Idaho more particularly described as follows: Commencing at the West quarter corner of said Section 31, a distance of 60.00 feet on a bearing of N.00°02'13"E, along the Section line to a point on the West boundary of the Section; thence S.89°50'11"E, 1935.94 feet to the REAL POINT OF BEGINNING; thence N.00°08'54"W, 1244.66 feet; thence N.89°26'53"E, 697.53 feet; thence S.00°08'54"E, 1259.37 feet; thence N.89°50'11"W, 697.52 feet to the REAL POINT OF BEGINNING.

ALSO EXCEPTING: A parcel of land located in U.S. Government Lot 1, Section 31, T. 22 N., R. 22 E., B.M., Lemhi County, Idaho, more particularly described as follows: COMMENCING at the west quarter corner of said Section 31, a distance of 1938.2 feet on a bearing of N.00°02'13"W, along the west boundary of said Section 31 to a point; thence N.89°44'22"E, 446.22 feet to the REAL POINT OF BEGINNING; thence N.89°44'22"E, 610.48 feet; thence S.00°15'38"E, 448.72 feet; thence S.89°44'22"W, 360.28 feet; thence N.29°24'13"W, 513.76 feet to the REAL POINT OF BEGINNING.

ALSO INCLUDING: A 50 foot wide road and access easement being 25 feet on each side of the following described centerline: COMMENCING at the Northeast Corner of the above described parcel, a distance of 25.00 feet on a bearing of S.00°15'38"E, along the East boundary of the parcel to the REAL POINT OF BEGINNING; thence N.89°44'22"E, 456.42 feet; thence N.89°26'53"E, 1092.81 feet; thence N.00°03'30"E, 24.01 feet; thence S.89°56'30"E, 1304.65 feet to a point on the Westerly right-of-way of U.S. Highway 93.

ALSO EXCEPTING THEREFROM: the following subdivisions that include any part or portion of the above described parcels: 1) Bob Moore Subdivision, and 2) Bob Moore North Subdivision.