

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 31 2013

DEPT. OF WATER RESOURCES
SOUTHERN 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?
45-2309	Yes ☐		Yes ☐		Yes ☐
45-10467	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name:

W. B. Whiteley
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s):

Randy L. Hardy
Name of each new owner as listed on the conveyance document

Karlene Hardy
New owner continued ☒ and ☐ or ☐ and/or

1818 South 500 West

Mailing address

Oakley

City

208-862-3681

Telephone

ID

State

83346

ZIP

hardy1@pmt.org

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: 6/2/2010

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:

Signature of new owner/claimant

Title, if applicable

Date

Signature:

Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by

Date

1-31-2013

Receipt No.

S033019

Receipt Amt.

\$50-

Approved by

Processed by

Date

RECEIVED

JAN 31 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

RP 13S22E334250

up

HARDY, Randy L
& Hardy, Karlene h/w
1818 South 500 West
Oakley, Id 83346

T 9147 (SENW)

S 33 T 13 R 22

9-21-2005 split from 13S22E334800

157292 QC W B Whiteley etux (Dorothy S) to W B Whiteley Fam Lmt'd

Partnership 10-17-1983

239719 Letters Testamentary - Winslow Beck Whiteley dec'd, pr to W Gary
& Robert E Whitely (Wrong spelling of name) 11-22-1995

240657 Amended Letters Testamentary - Winslow Beck Whiteley dec'd, pr
to W Gary & Robert E Whiteley 1-19-1996

300 487 Amended Letters Testamentary - Dorothy Smith Whiteley dec'd, pr
to W Gary & Robert E Whiteley 12-6-2004

302245 notice of first right of refusal granted to Randy L and
Karlene Hardy 5-6-2005

2010-002675 Wd The WB Whiteley Family Limited Partnership aka W B
Whiteley Family Lmt'd Partnership and the W B Whiteley Family Limited
Partnership to Randy L Hardy etux (Karlene) 5/02/2010

WARRANTY DEED

RECORDED FOR:
RANDY HARDY
3:01:30 pm 06-02-2010
2010-002675
NO. PAGES: 2 FEE: \$6.00
DEE YEAMAN
COUNTY CLERK
DEPUTY: VIKI

For Value Received

The W. B. Whiteley Family Limited Partnership, an Idaho limited partnership, also known as W. B. Whiteley Family Ltd. Partnership and the W. B. Whiteley Family Limited Partnership who acquired partnership as Whiteley Family Limited Partnership

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Randy L. Hardy and Karlene Hardy, husband and wife
Address: 1818 South 500 West
Oakley, Idaho 83346

Hereinafter called the Grantee, the following described premises situated in Cassia County, Idaho, to-wit:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 33: Beginning at the Northeast corner of the SE¼NW¼ of said Section 33; thence South 200 feet to the Point of Beginning;
Thence West 204 feet;
Thence South 953 feet, more or less, to a point that is 167 feet North of the South boundary line of the NW¼ of said Section 33;
Thence East for 204 feet;
Thence North 953 feet, more or less, to the Point of Beginning.

EXCEPTING THEREFROM the right of way for State Highway 27.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Accruing taxes, levies and assessments; easements and rights of way of record if any.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. 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 incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: May 3, 2010

THE W. B. WHITELEY FAMILY LIMITED PARTNERSHIP

By: Robyn W. Fehman
Robyn W. Fehman, General Partner

RECEIVED

JAN 31 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO

)

) ss.

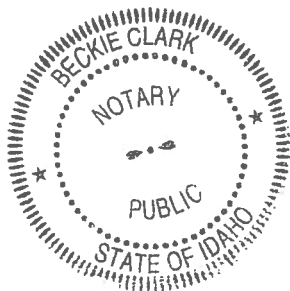
COUNTY OF Cassia

)

On this 12 day of May, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared **Robyn W. Fehlman**, known or identified to me to be the partner or one of the partners in the Partnership of The W. B. Whiteley Family Limited Partnership, and the partner or one of the partners who subscribed said Partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said Partnership name.



Notary Public
Residing at: Dahley ID
My Commission expires: 7-8-2011



#40281

302244

NOTICE OF SALE

NOTICE IS HEREBY GIVEN that the following described real property has been sold by THE W. B. WHITELEY FAMILY LIMITED PARTNERSHIP, an Idaho limited partnership who acquired title to the real estate as W.B. Whiteley Family Limited Partnership and the Whiteley Family Limited Partnership, of P.O. Box 92, Oakley, Idaho 83346 ("Seller") to RANDY L. HARDY and KARLENE HARDY, husband and wife, of 1818 South 500 West, Oakley, Idaho 83346 ("Buyer"), subject to the terms and conditions of an unrecorded Real Estate Purchase and Sale Agreement executed on the day of May 6, 2005:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN

This conveyance includes any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way in anywise appertaining to the property herein described.

An executed Warranty Deed is held by Land Title and Escrow, Inc., escrow holder, until the entire purchase price is fully paid. The right of Buyer to sell or convey such real property or to assign, transfer, encumber or convey such contract, or any interest of Buyer in such property or contract is restricted under the terms of the Real Estate Purchase and Sale Agreement.

DATED This 6 day of May, 2005.

Seller:

THE W. B. WHITELEY FAMILY LIMITED PARTNERSHIP,
an Idaho limited partnership who acquired title to the
real estate as W.B. Whiteley Family Limited Partnership
and the Whiteley Family Limited Partnership

RECEIVED**JAN 31 2013**

DEPT. OF WATER RESOURCES
SOUTHERN REGION

By:

Robyn W. Fehleman
ROBYN W. FEHLMAN, General Partner

Buyer:

Randy L. Hardy
RANDY L. HARDY

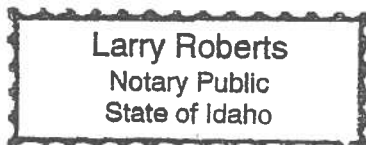
Karlene Hardy
KARLENE HARDY

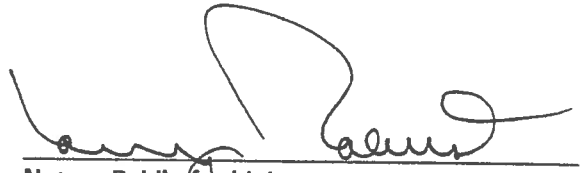
STATE OF IDAHO)

ss:

County of Cassia)

On this 6 day of May, in the year 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared ROBYN W. FEHLMAN, known or identified to me to be one of the partners in the partnership of THE W.B. WHITELEY FAMILY LIMITED PARTNERSHIP, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he or she executed the same in said partnership name.



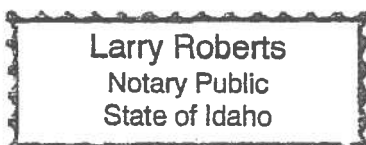

Notary Public for Idaho
Residing at Burley, ID
My Commission Expires: 6-30-09

STATE OF IDAHO)

ss:

County of Cassia)

On this 6 day of May, 2005, before me, the undersigned, a Notary Public in and for said County, personally appeared RANDY L. HARDY and KARLENE HARDY, husband and wife, known or identified by me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



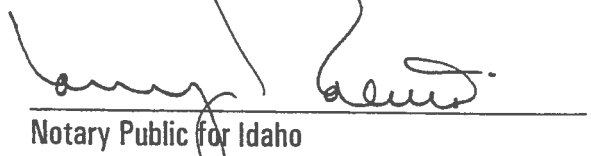

Notary Public for Idaho
Residing at Burley, ID
My Commission Expires: 6-30-09

EXHIBIT "A"

PARCEL NO. 1:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 28:

NW¼, EXCEPT the following described tracts:

Tract No. 1:

That portion deeded to the State of Idaho for highway purposes.

Tract No. 2:

Beginning at the Center ¼ section corner of said Section 28, said corner marked by a r.r. spike; thence North 89°19'20" West along the South line of the SE¼NW¼ for a distance of 33.00 feet to a ½ inch rebar on the West right of way of State Highway 27 which shall be the Point of Beginning; Thence North 89°19'20" West along the South line of the SE¼NW¼ for a distance of 146.50 feet to a ½ inch rebar; Thence North 03°59'57" East for a distance of 156.72 feet to a ½ inch rebar; Thence North 85°53'04" East for a distance of 136.73 feet to a ½ inch rebar on the West right of way of State Highway 27; Thence South 00°16'43" West along said line for a distance of 167.89 feet to the Point of Beginning.

Tract No. 3:

Beginning at the Southeast corner of the NE¼NW¼ of said Section 28; thence West 33 feet to the West right-of-way of the State Highway which point shall be the Point of Beginning; Thence North 89°23'45" West (rec. West) for 297 feet; Thence North 0°11'06" East (rec. North) for 449 feet; Thence South 89°23'45" East (rec. East) for 297 feet to a point on the West right-of-way of the State Highway; Thence South 0°11'06" West along the West right-of-way of the State Highway for 449 feet to the Point of Beginning.

Tract No. 4:

Beginning 20 rods West of the Northeast corner of said SE¼NW¼; Thence South 264 feet; Thence East 45.5 feet; Thence North 264 feet; Thence West 45.5 feet to the Point of Beginning.

PARCEL NO. 2:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 33: E $\frac{1}{2}$ NE $\frac{1}{4}$

Section: 33 NW $\frac{1}{4}$ NW $\frac{1}{4}$, EXCEPT the following described tracts:

Tract No. 1:

Beginning at the Southwest corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 33, said corner marked by a r.r. spike; thence South 89°18'43" East along the South line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 49.50 feet to a $\frac{1}{2}$ inch rebar on the East right of way of College Ave. which shall be the Point of Beginning;

Thence North 00°19'30" East along said right of way for a distance of 301.50 feet to a $\frac{1}{2}$ inch rebar;

Thence South 89°18'43" East for a distance of 216.71 feet to a $\frac{1}{2}$ inch rebar;

Thence South 00°19'30" West for a distance of 301.50 feet to a $\frac{1}{2}$ inch rebar on the South line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$;

Thence North 89°18'43" West along said line for a distance of 216.71 feet to the Point of Beginning.

Tract No. 2:

Right of Way for College Avenue

Section 33: SE $\frac{1}{4}$ NW $\frac{1}{4}$, EXCEPT the following described tracts:

Tract No. 1:

That portion deeded to the State of Idaho for highway purposes.

Tract No. 2:

Beginning at the Northeast corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 33;

Thence West along the North boundary line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 204 feet;

Thence South 200 feet;

Thence East 204 feet;

Thence North 200 feet to the Point of Beginning.

Tract No. 3:

Beginning at the Southeast corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$;

Thence West 236 feet;

Thence North 167 feet;

Thence East 236 feet;

Thence South 167 feet to the Point of Beginning.

Tract No. 4:

Beginning at the Northeast corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 33; thence South 200 feet to the Point of Beginning;

Thence West 204 feet;

Thence South 953 feet, more or less, to a point that is 167 feet North of the South boundary line of the NW $\frac{1}{4}$ of said Section 33;

Thence East for 204 feet;

Thence North 953 feet, more or less, to the Point of Beginning.

Section 33:

Part of the SE¼, more particularly described as follows:

Commencing at the Northwest corner of the SE¼ of said Section 33; thence East 100 rods; thence South 83 rods; thence West 100 rods; thence North 4 rods; thence East 20 rods; thence North 22 2/3 rods; thence West 20 rods; thence North 56 1/3 rods to the Point of Beginning.

EXCEPT the following described tracts:

Tract No. 1:

The highway right-of-way along the West boundary.

Tract No. 2:

Commencing at the Northwest corner of Lot 3, Block 20 according to the official plat of the Village of Oakley;

Thence North 45 feet;

Thence East 315 feet;

Thence South 45 feet;

Thence West 315 feet to the Point of Beginning.

Tract No. 3:

Beginning at the Northwest corner of Block 21 of the Oakley Townsite, as the same is platted in the official plat thereof, now of record in the office of the County Recorder of the County of Cassia, State of Idaho;

Thence North 66 feet;

Thence East 182 feet;

Thence South 66 feet;

Thence West 182 feet to the Point of Beginning.

Tract No. 4:

The West 330 feet of the North 56 1/3 rods.

Tract No. 5:

Beginning at the Northwest corner of the SE¼ of said Section 33; thence East 100 rods to the Point of Beginning;

Thence West 12 feet to a point 1002 feet West of the Northeast corner of said SE¼;

Thence South 878 feet;

Thence East 12 feet to a point 100 rods East of the West boundary of the SE¼;

Thence North 878 feet, more or less to the Point of Beginning.

Section 33:

Part of the E½NE½SW¼, more particularly described as follows:

Beginning 323 feet West of the Northeast corner of the SW¼ of said Section 33; Thence West along the quarter section line 337 feet, more or less, to the Northwest corner of the E½NE½SW¼ of said Section 33;

Thence South 886 feet, more or less, to a point 422.73 feet North of the South boundary of the NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Thence East .5 feet to the Southwest corner of that parcel deeded to Robert E. Whiteley by Personal Representative Deed recorded April 7, 2005 as Instrument No. 301402, records of Cassia County, Idaho;
Thence North 170 feet, more or less to the Northwest corner of the Robert W. Whiteley property;
Thence East 336.5 feet to a point that is 323 feet West of the Quarter section line;
Thence North 716 feet, more or less, to the Point of Beginning.

Section 33: W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$

PARCEL NO. 3:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 33: Part of the E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, more particularly described as follows:

Commencing 323 feet West and 716 feet South of the Northeast corner of the SW $\frac{1}{4}$ of said Section 33:
Thence South 170 feet;
Thence West 336.5 feet;
Thence North 170 feet;
Thence East 336.5 feet to the Point of Beginning.

PARCEL NO. 4:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 33: NE $\frac{1}{4}$ NW $\frac{1}{4}$, EXCEPT that portion deeded to the State of Idaho for highway purposes.

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 28: Part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, more particularly described as follows:

Beginning at the Southeast corner of the N $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 28, said corner marked by a p.k. nail; thence North 0°11'06" East along the $\frac{1}{4}$ section line for 224.50 feet to a p.k. nail; thence North 89°23'45" West (West rec.) for 295.00 feet to a $\frac{1}{2}$ inch rebar which shall be the Point of Beginning;
Thence North 89°23'45" West (West rec.) for 35.00 feet to a $\frac{1}{2}$ inch rebar;
Thence North 0°11'06" East (North rec.) for 224.50 feet to a $\frac{1}{2}$ inch rebar;
Thence South 89°23'45" East (East rec.) for 35.00 feet to a $\frac{1}{2}$ inch rebar;
Thence South 0°11'06" West for 224.50 feet to the Point of Beginning.

PARCEL NO. 5:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 28: Part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, more particularly described as follows:

Beginning 20 rods west of the Northeast corner of said SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Thence South 264 feet;
Thence East 45.5 feet;
Thence North 264 feet;
Thence West 45.5 feet to the Point of Beginning.

U C L I I

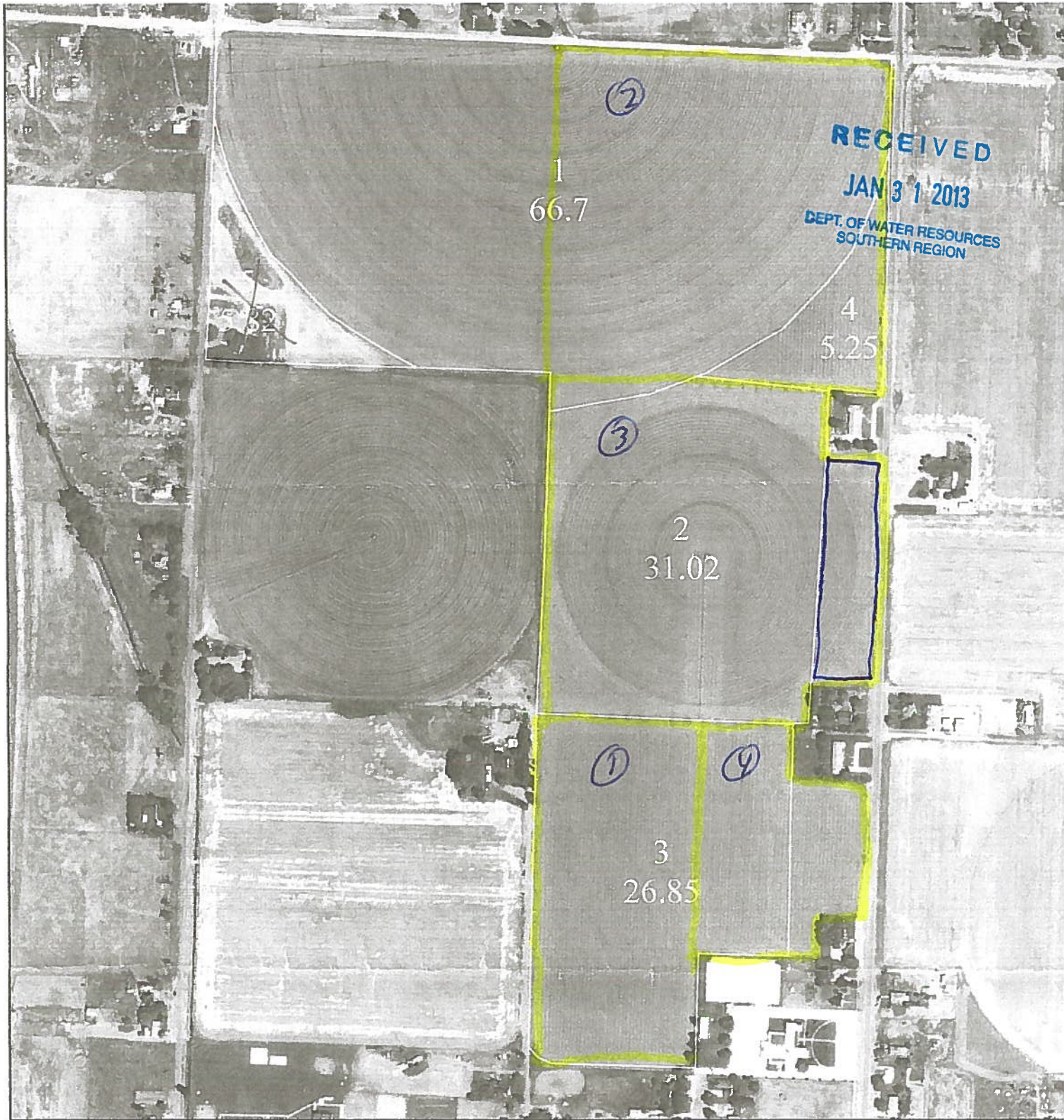
CASSIA COUNTY, IDAHO
LARRY A. MICKELSEN

RECORDER

FEE 21.00 DEPUTY 46

2005 MAY 19 PM 4 13

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW



USDA United States Department of Agriculture
Farm Service Agency

Jan. 25, 2011



Digital Orthophoto
Not to Scale

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your origin determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NR

RECEIVED

JAN 31 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

QUIT CLAIM DEED

15723~

FOR VALUE RECEIVED, W.B. WHITELEY and DOROTHY S. WHITELEY, husband and wife, hereinafter called the "Grantor", hereby remise, release and forever quit claim unto the W.B. WHITELEY FAMILY LIMITED PARTNERSHIP, an Idaho limited partnership, hereinafter called the "Grantee", whose address is c/o W.B. Whiteley, Oakley, Idaho 83346, parcel numbers 1 through 4 of the property located in Cassia County, Idaho, described in Exhibit A attached hereto, and an undivided 90% interest in parcel number 5 of the property located in Cassia County, Idaho, described on Exhibit A attached hereto, including after-acquired title, together with all appurtenances thereto, including the appurtenant shares of stock in Oakley Canal Company, to have and to hold the said premises and appurtenances unto said Grantee, and the Grantee's heirs and assigns, forever.

Parcel No. 5 of the property described in Exhibit A is subject to a mortgage in favor of the Federal Land Bank securing an indebtedness of \$500,000. The Grantee, by accepting the within conveyance, assumes and agrees to pay the Grantors 90% share of said indebtedness.

DATED this 17 day of Oct., 1983

W.B. WHITELEY

DOROTHY S. WHITELEY

STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

On this day personally appeared before me W. B. Whiteley and Dorothy S. Whiteley, husband and wife, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 17 day of October, 1983.

W. B. Whiteley
NOTARY PUBLIC in and for the
State of Idaho, residing
at Idaho Falls.

kw/agmts
whit-deed

April 15, 1983

LEGAL DESCRIPTION prepared for Kent Whiteley
PROPERTY OWNED OR BEING PURCHASED BY:
W. B. WHITELEY, aka WINSLOW B. WHITELEY and DOROTHY WHITELEY,
aka DOROTHY S. WHITELEY, husband and wife

MITTON/BAXTER

PARCEL 21: 12 SOUTH, RANGE 22 EAST, BOISE MERIDIAN
TOWNSHIP 13 SOUTH, RANGE 22 EAST, BOISE MERIDIAN
Section 31: 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 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