

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 16 2012

Notice of Change in Water Right Ownership DEPARTMENT OF
WATER RESOURCES

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?
63-8269B	Yes ☒		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: John and/or Geraldine Burgess
Name of current water right holder/claimant

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

New owner continued Name connector ☐ and ☐ or ☐ and/or
PO Box 778
Mailing address
Middleton ID 83644
City State ZIP
208-863-4081
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: December 5, 2011.

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: Geraldine I. Burgess 3/12/2012
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 SRF Date 3-16-2012 Receipt No. C094876 Receipt Amt. \$100 -
Approved by _____ Processed by _____ Date _____
of \$350 -

INSTRU. NO. 284891
PAGES 1 OF 3

RECORDATION REQUESTED BY:

Thomas G. Walker, Esq.
Cosh, Humphrey LLP
800 Park Blvd., Suite 790
Boise, ID 83712
Ph: 208-344-7811
Fax: 208-639-5601

WHEN RECORDED MAIL TO:

Thomas G. Walker, Esq.
Cosh, Humphrey LLP
800 Park Blvd., Suite 790
Boise, ID 83712

SEND TAX NOTICES TO:

Geraldine I. Burgess
PO Box 778
Middleton, ID 83644

Instrument # 284891

EMMETT, GEM, IDAHO

12-19-2011 12:28:57 No. of Pages: 3

Recorded for : COSHO HUMPHREY LLP

SHELLY GANNON

Ex-Officio Recorder Deputy

Index to: DEED

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

DEED IN LIEU OF FORECLOSURE

FOR VALUE RECEIVED, Claudia E. Keith, the Grantor, does hereby grant, bargain, sell and convey unto Geraldine I. Burgess, the Grantee, whose current address is PO Box 778, Middleton, ID 83644, all of her right, title and interest in and to the parcel of real property located in Gem County, Idaho, and more particularly described on the attached Exhibit A ("Premises").

TO HAVE AND TO HOLD the Premises with its appurtenances unto the Grantee, her heirs and assigns forever.

Grantor covenants and warrants to and with the Grantee that this conveyance is intended as an absolute conveyance and not as a mortgage or other security for any indebtedness of the Grantor to the Grantee and Grantor claims no equity of redemption in the Premises, and that this conveyance is given in lieu of the requirements of Idaho Code Section 6-101 *et seq.* Grantor is conveying this property in lieu of indebtedness to Grantee. The amount of the indebtedness is the principal amount of \$147,626.39 due and owing, plus accrued interest as of September 30, 2011 of \$15,198.78, plus interest thereafter in the amount of \$60.67 for each day from and after September 30, 2011 until the principal balance and interest is paid in full. The indebtedness is secured by a Mortgage dated December 31, 2008 and recorded on January 2, 2009, as Instrument No. 269740 in the County of Gem, State of Idaho.

IN WITNESS WHEREOF, the Grantor has caused her name to be subscribed to the within instrument on December 5, 2011.



CLAUDIA E. KEITH

DEED IN LIEU OF FORECLOSURE

771152.doc

Page 1

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Diego

On 12-5-2011
Date

before me,

Brian J. Church Notary Public
Here Insert Name and Title of the Officer

personally appeared

Claudia E. Keith
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

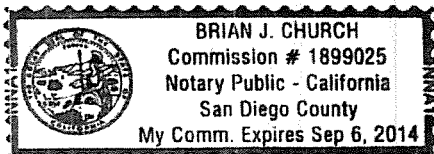
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Brian J. Church

Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document:

Deed in Lieu of Foreclosure

Document Date:

12-5-2011

Number of Pages:

3

Signer(s) Other Than Named Above:

N/A

Capacity(ies) Claimed by Signer(s)

Signer's Name:

- ☐ Individual
☐ Corporate Officer — Title(s):
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other:

Signer Is Representing:

Signer's Name:

- ☐ Individual
☐ Corporate Officer — Title(s):
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other:

Signer Is Representing:

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

INSTRUMENT NO. 284891
PAGE 3 OF 3

EXHIBIT A

Tract I

A tract of land situated in a portion of the SW ¼ of Section 36, Township 6 North, Range 3 West, B.M., Gem County, Idaho, more particularly described as follows:

BEGINNING at the Northwest corner of the SW ¼ of Section 36, Township 6 North, Range 3 West, B.M., Gem County, Idaho, marked by a 2" iron pipe with G.L.O. brass cap; thence North 89°51'40" East, 815.00 feet along the North line of said SW ¼; thence South 00°29'21" East, 1329.89 feet; thence South 89°44'51" East, 1538.30 feet to a point on the centerline of the County Road known as the Emmett Highway, said point is referred to as Point "A"; thence South 08°39'19" West, 303.65 feet along said centerline; thence South 89°46'00" West, 2304.92 feet to a point on the West line of said SW ¼ marked by a set ½" iron pin with plastic cap PLS 6552; thence North 00°29'21" West, 1644.28 feet along said West line to the **REAL POINT OF BEGINNING.**

Tract II

TOGETHER WITH an irrigation easement 50.00 feet either side of the following described line: **BEGINNING** at Point "A" described above, thence North 89°44'51" West, 108.27 feet to the point of terminus of this easement.

ALSO an irrigation easement being the Westerly 20.00 feet of that portion of the SW ¼ of said Section 36 lying 50.00 feet Westerly of the following described line: **BEGINNING** at Point "A" described above, thence South 08°39'19" West, 303.65 feet to the point of terminus of this easement.

END OF SCHEDULE A

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/6/2012

WATER RIGHT NO. 63-8269B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GERALDINE BURGESS 6445 LITTLE FREEZE OUT CALDWELL, ID 83607 (208)863-4081
Current Owner	JOHN BURGESS 6445 LITTLE FREEZOUT RD CALDWELL, ID 83606 (208)585-6202
Original Owner	DENNIS MANNING 6445 LITTLE FREEZEOUT RD CALDWELL, ID 83605 (208)459-8647
Original Owner	EDWARD EMBLEY RT 7 CALDWELL, ID 83605

Priority Date: 02/24/1976

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	09/01	0.57 CFS	364.5 AFA
Total Diversion			0.57 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SESW|Sec. 36|Township 06N|Range 03W|GEM County

Place(s) of use:

Place of Use Legal Description: IRRIGATION GEM County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06N	03W	36		NESW	27		NWSW	40		SWSW	8		SESW	6

Total Acres: 81

Conditions of Approval:

- | | |
|--------|---|
| 1. C18 | This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code. |
| 2. S39 | The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 15 and after September 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right. |

Dates:

Licensed Date:

Decreed Date: 04/03/2009

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

[Close](#)

Van Dyke, Nick

From: Marci Pape [Mpape@spfwater.com]
Sent: Thursday, March 22, 2012 11:13 AM
To: Van Dyke, Nick
Subject: Burgess Change of Ownership information
Attachments: Doran_Keith Quitclaim.pdf

Nick –

Here is the quitclaim deed you requested for the Burgess water right, 63-8269B. The attached quitclaim deed conveys ownership of the southwestern 40-acre parcel from Jon Doran to Claudia Keith, and is dated September 9, 2011. Let me know if you need anything else. Thanks.

Marci S. Pape, P.E.
Project Engineer
SPF Water Engineering, LLC
300 E. Mallard Drive, Ste. 350
Boise, ID 83706
208.383.4140 x223
e-mail mpape@spfwater.com

INSTRU. NO.	283804
PAGES	1 OF 2

Instrument # 283804

EMMETT, GEM, IDAHO

9-23-2011 10:50:58 No. of Pages: 2

Recorded for: BEER & CAM

SHELLY GANNON

Ex-Officio Recorder Deputy

Index to: QUIT CLAIM DEED

RECEIVED

MAR 22 2012

DEPARTMENT OF WATER RESOURCES

QUITCLAIM DEED

FOR VALUE RECEIVED, Jon Gerard Doran, Grantor does hereby convey, release, remise and forever quitclaim unto Claudia E. Keith, Grantees, whose current address is 2156 Brooke Rd, Fallbrook, CA 92028, the following described premises, located in Gem County, Idaho, more particularly described as follows, to-wit:

TRACT I

A tract of land situated in a portion of the SW $\frac{1}{4}$ of Section 36, Township 6 North, Range 3 West, B.M., Gem County, Idaho, more particularly described as follows:

BEGINNING at the Northwest corner of the SW $\frac{1}{4}$ of Section 36, Township 6 North, Range 3 West, B.M., Gem County, Idaho, marked by a 2" iron pipe with G.L.O. brass cap; thence North 89°51'40" East, 815.00 feet along the North line of said SW $\frac{1}{4}$; thence South 00°29'21" East, 1329.89 feet; thence South 89°44'51" East, 1538.30 feet to a point on the centerline of the County Road known as the Emmett Highway, said point is referred to as Point "A"; thence South 08°39'19" West, 303.65 feet along said centerline; thence South 89°46'00" West, 2304.92 feet to a point on the West line of said SW $\frac{1}{4}$ marked by a set $\frac{1}{2}$ " iron pin with plastic cap PLS 6552; thence North 00°29'21" West, 1644.28 feet along said West line to the REAL POINT OF BEGINNING.

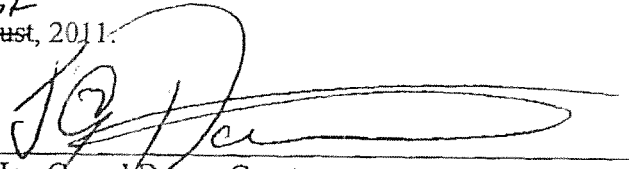
TRACT II

TOGETHER WITH an irrigation easement 50.00 feet either side of the following described line: BEGINNING at Point "A" described above, thence North 89°44'51" West, 108.27 feet to the point of terminus of this easement.

ALSO an irrigation easement being the Westerly 20.00 feet of that portion of the SW $\frac{1}{4}$ of said Section 36 lying 50.00 feet Westerly of the following described line: BEGINNING at Point "A" described above, thence South 08°39'19" West, 303.65 feet to the point of terminus or this easement.

together with their appurtenances.

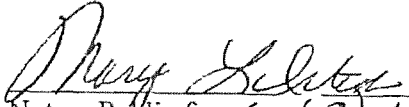
Dated this 9 day of ~~August~~ ^{Sept}, 2011:


Jon Gerard Doran, Grantor

STATE OF Calif)
County of Santa Barbara : ss.

On this 9 day of ~~August~~ ^{Sept}, 2011, before me, the undersigned, a Notary Public in and for said state, personally appeared Jon Gerard Doran, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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


Notary Public for Santa Barbara Calif
Residing at 1482 East Valley Road #42, SB, CA 93108
My Commission Expires: 12-17-14

(SEAL)

