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FEB 08 2012

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
74-7301 <i>OK</i>					
74-7326					
74-15796 <i>OK</i>					

2. The following **REQUIRED** information must be submitted with this form:

SUPPORT DATA

- A. The appropriate **FILING FEE**. See instructions for fee amounts. **IN FILE # 74-7301**
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY or SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) AUDREY B. JENSON
Po Box 32, Tendoy ID 83468
4. New Owner/Claimant(s) EMIL L. HERBST AND/OR AUBREE B. HERBST
 Name Connector (Check one): [] and, [] or, [X] and/or
 New mailing Address PO Box 44
 City, State and ZIP Code Tendoy ID 83468
 New Telephone Number 208- 756-8151
5. Date you acquired the property December 9 2011

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

Ann Herbst
Aubree Herbst

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only			
Received by _____	Date <u>2/10/2012</u>	Fee <u>\$75. -</u>	
Received by _____	Date _____	Receipt No. <u>E0313116</u>	
Processed by _____	AJ Date _____	WR Date <u>2/13/2012</u>	

Refund \$25. -

2-13-2012 As per Aubree Herbst they will not complete 74-7326 at this time.

A portion of the water right is on BLM land.

Application for Transfer or Exchange Fee Schedule

See § 42-221 O, Idaho Code

The fee for an application for transfer is based on the quantity of water being transferred, not necessarily on the amount of the entire right. See Transfer Processing Memo No. 23.

(CFS = cubic feet per second; AF = Acre-feet per year)

CFS	AF	FEE	CFS	AF	FEE
0.00 - 0.20	0 - 20	\$200.00	11.01 - 12.00	1,101 - 1,200	\$1,380.00
0.21 - 1.00	21 - 100	\$500.00	12.01 - 13.00	1,201 - 1,300	\$1,460.00
1.01 - 2.00	101 - 200	\$580.00	13.01 - 14.00	1,301 - 1,400	\$1,540.00
2.01 - 3.00	201 - 300	\$660.00	14.01 - 15.00	1,401 - 1,500	\$1,620.00
3.01 - 4.00	301 - 400	\$740.00	15.01 - 16.00	1,501 - 1,600	\$1,700.00
4.01 - 5.00	401 - 500	\$820.00	16.01 - 17.00	1,601 - 1,700	\$1,780.00
5.01 - 6.00	501 - 600	\$900.00	17.01 - 18.00	1,701 - 1,800	\$1,860.00
6.01 - 7.00	601 - 700	\$980.00	18.01 - 19.00	1,801 - 1,900	\$1,940.00
7.01 - 8.00	701 - 800	\$1,060.00	19.01 - 20.00	1,901 - 2,000	\$2,020.00
8.01 - 9.00	801 - 900	\$1,140.00	20.01 - 100.00	2,001 - 10,000	*
9.01 - 10.00	901 - 1,000	\$1,220.00	101.01 - 500.00	10,001 - 50,000	**
10.01 - 11.00	1,001 - 1,100	\$1,300.00	500.01 & over	50,001 & over	***

For an application including a change in nature of use of water under one (1) or more right(s):

Additional fee of \$250 per application.

For any application including a change in ownership of water right(s) as required per § 42-248, Idaho Code:

Additional fee of \$25.00 per undivided right requiring an ownership change and/or

Additional fee of \$100.00 per divided right requiring an ownership change.

* \$2,020.00 plus \$40.00 for each additional 1.0 cfs or part thereof or 100 acre-feet or part thereof over the first 20.0 cfs or 2,000 acre-feet.

** \$5,220.00 plus \$20.00 for each additional 1.0 cfs or part thereof or 100 acre-feet or part thereof over the first 100.0 cfs or 10,000 acre-feet.

*** \$13,220.00 plus \$4.00 for each additional 1.0 cfs or part thereof or 100 acre-feet or part thereof over the first 500.0 cfs or 50,000 acre-feet.

Warranty Deed

With Reservation of Life Estate

For Value Received AUDREY B. JENSON, A SINGLE PERSON,

the grantor, do hereby grant, bargain, sell and convey unto

EMIL L. HERBST AND AUBREE B. HERBST, husband and wife,

whose current address is PO Box 44, Tendoy ID 83468

the grantees, the following described premises, in Lemhi County Idaho, to wit:

SEE EXHIBIT "A" ATTACHED HERETO:

The Grantor herein hereby reserves a Life Estate in the personal residence and surrounding yard located on the property described on Exhibit "A".

The above conveyance is made free and clear of all other encumbrances except: Rights-of-way and easements, reservation in Federal patents and State deeds, or other restrictions imposed by law, building and zoning regulations and ordinances of any governmental unit, whether of sight or of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do hereby covenant to and with the said Grantee(s), that he/she/they is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

Dated: December 9th 2011

Audrey B. Jenson
AUDREY B. JENSON

STATE OF Idaho, County of Lemhi --ss

On this 9th day of December 2011
before me, a notary public in and for said State, personally appeared

AUDREY B. JENSON

Known or proved to me to be the person(s) whose name(s) is/are
subscribed to the within instrument, and acknowledged to me that
he/she/they has/have executed the same.

[Signature]
Notary Public

Reserved for recording information

Instrument # 288401 # Pages: 2
LEMHI COUNTY, Idaho
Dec 13, 2011 9:40:32 am Fee: \$ 13.00
For: ALLIANCE TITLE
TERRI J. MORTON, Recorder
BARMSTRONG, Deputy

Notary Public for Idaho, residing at Salmon 2/19/15

EXHIBIT "A"

121804

Parcel "A"

A parcel of land located in the east half of Section 7 and the west half northeast quarter Section 18, T. 19 N., R. 24 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Beginning at the south quarter corner of said Section 7, run thence North a distance of 5244.11 ft., the Basis of Bearing of this description, to the north quarter corner of Section 7;

Thence N. $89^{\circ} 59' 47''$ E. along the northerly boundary of said Section 7 a distance of 438.01 ft.;

Thence S. $37^{\circ} 40' 20''$ E. a distance of 285.45 ft.;

Thence N. $89^{\circ} 55' 20''$ E. a distance of 707.75 ft. to a point on the westerly right of way State Highway 28;

Thence S. $10^{\circ} 32' 51''$ E. along said right of way a distance of 1952.14 ft. to a point in an existing fence line;

Thence along said fence the following courses:

S. $74^{\circ} 12' 01''$ W., 303.67 ft.; S. $14^{\circ} 49' 56''$ E., 159.23 ft.;

S. $84^{\circ} 39' 43''$ E., 150.05 ft.; S. $39^{\circ} 28' 32''$ E., 113.03 ft.;

S. $20^{\circ} 12' 47''$ W. 16.46 ft.; S. $15^{\circ} 43' 43''$ E., 321.98 ft.;

S. $01^{\circ} 38' 26''$ E., 254.73 ft.; N. $80^{\circ} 18' 24''$ E. 110.29 ft. to a point on said westerly right of way of State Highway 28;

Thence leaving said fence line S. $10^{\circ} 32' 51''$ E. along said right of way a distance of 2247.14 ft. to a point on the southerly boundary of said Section 7;

Thence N. $89^{\circ} 47' 10''$ W. along said southerly boundary a distance of 931.22 ft. to the East 1/16th of said Sections 7 & 18;

Thence S. $00^{\circ} 00' 04''$ W., 2640 ft. more or less to the C-E 1/16th said Section 18;

Thence N. $89^{\circ} 47' 10''$ W., 1320.00 ft. more or less to the C 1/4 said Section 18;

Thence N. $00^{\circ} 06' 00''$ W., 2640.00 ft. more or less to the point of beginning.