

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 25 2011

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?
31-256	Yes ☒		Yes ☐		Yes ☐
31-257	Yes ☒		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Walker Brothers
Name of current water right holder/claimant

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

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

169 N. Byron Ave.

Mailing address

Shelley

ID

83274

City

State

ZIP

(208)680-6483

Telephone

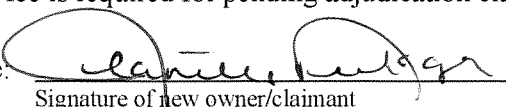
Email

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: May 9, 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:  Title, if applicable _____ Date 5.23.2011

Signature of new owner/claimant

Title, if applicable

Date

Signature: _____ Title, if applicable _____ Date _____

Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by JR Date 5/25/2011 Receipt No. E036679 Receipt Amt. \$200.

Approved by _____ Processed by _____ Date _____

FILED IN CHAMBERS
at Idaho Falls
Bonneville County

2011 MAY -9 PM 4:28

Date May 9, 2011
Time 4:10 pm
Deputy Clerk M Southwick

Harlow J. McNamara, ISB No. 1589
Lance J. Schuster, ISB No. 5404
BEARD ST. CLAIR GAFFNEY PA
2105 Coronado Street
Idaho Falls, Idaho 83404
Telephone: (208) 523-5171
Facsimile: (208) 529-9732
hjm@beardstclair.com
lance@beardstclair.com

Attorney for Plaintiff

**DISTRICT COURT SEVENTH JUDICIAL DISTRICT
CLARK COUNTY IDAHO**

JEANETTE NUKAYA,

Plaintiff,

vs.

DARYL N. WALKER and JANEALE
WALKER, husband and wife, MARJORIE
WALKER.

Defendants.

Case No.: CV-09-17

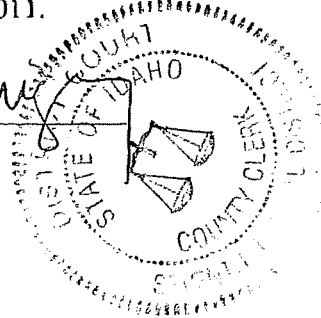
ORDER

THIS COURT having received and reviewed the parties' Stipulation:

IT IS HEREBY ORDERED the terms and provisions of the Stipulation are
adopted and decreed by the Court and this matter is hereby dismissed with prejudice with
each party is to pay their own attorney fees and costs.

DATED: May 9, 2011.

Judge



Order - Page 1

CLERK'S CERTIFICATE OF SERVICE

I certify that on May 9th, 2011, I served a true and correct copy of the ORDER on the following by the method of delivery designated below:

Lance J. Schuster
Beard St. Clair Gaffney PA
2105 Coronado Street
Idaho Falls, ID 83404

☐ U.S. Mail ☒ Hand Delivery ☐ Facsimile

Dwight E. Baker
Baker & Harris
266 West Bridge St.
Blackfoot, ID 83221

☒ U.S. Mail ☐ Hand Delivery ☐ Facsimile

Clerk of the Court

By: MS
Deputy Clerk

Harlow J. McNamara, ISB No. 1589
Lance J. Schuster, ISB No. 5404
BEARD ST. CLAIR GAFFNEY PA
2105 Coronado Street
Idaho Falls, Idaho 83404
Telephone: (208) 523-5171
Facsimile: (208) 529-9732
hjm@beardstclair.com
lance@beardstclair.com

Attorney for Plaintiff

**DISTRICT COURT SEVENTH JUDICIAL DISTRICT
CLARK COUNTY IDAHO**

JEANETTE NUKAYA,

Plaintiff,

vs.

DARYL N. WALKER and JANEALE
WALKER, husband and wife, MARJORIE
WALKER.

Defendants.

Case No.: CV-09-17

STIPULATION

COMES NOW the Plaintiff, Jeanette Nukaya, by and through her attorney of record, Lance J. Schuster of the law firm Beard St. Clair Gaffney PA, and Defendants, Daryl N. Walker and Janeale Walker, husband and wife, and Marjorie Walker, by and through their attorney of record, Dwight E. Baker of the law firm Baker & Harris, and stipulate as follows:

1. The parties acknowledge that a Complaint has been filed by the Plaintiff seeking a partition and sale of the Plaintiff's interest in real property located in Clark County, Idaho described as follows:

NE ¼ Section 30; NW ¼, W ½ Section 29; and E ½ Section 28 all in Township 12 North Range 39 East, Boise Meridian. Being 720 acres, more or less, together with all water rights thereto appertaining.

2. The Plaintiff owns all right, title and interest as to an undivided one-third of the subject property as a tenant in common, is an appropriate Plaintiff in this matter, and is entitled to the proceeds of any sale of an undivided one-third interest.

3. The Defendant, Marjorie Walker, is the owner of an undivided one-third interest in the subject property as a tenant in common, as successor in interest of Donald Walker, deceased.

4. Daryl Walker and Janeale Walker are the owners of an undivided one-third interest in the subject property, as tenants in common.

5. The parties have reached an agreement as to the partition of the property, as a result of which sale supervised by the Court is not required.

6. The Plaintiff will receive approximately 90 acres of the property described in Paragraph 1 above as follows:

Beginning at the North ¼ Corner of Section 30, Township 12 North, Range 39 East of the Boise Meridian; running thence S.00°27'58"E. along the North-South Center Section line 2646 feet to the Center ¼ Corner of said Section 30; thence N.89°58'13"E. along the East-West Center Section line of said Section 30 a distance of 2644.91 feet to the East ¼ Corner of said Section 30; thence N.00°28'09"W. along the East line of said Section 30 a distance of 660.00 feet; thence S.89°58'13"W. 990.00 feet; thence N.45°13'05"W. 944.37 feet; thence N.00°27'58"W. 1320.00 feet to the North line of said Section 30; thence N.89°58'16"W. along said North line 990.00 feet to the POINT OF BEGINNING.

TOGETHER WITH an easement for a county roadway and existing bridge along the north edge of the property.

7. The Defendants will receive the entire remaining property, with the exception of the above-described property.

8. A survey of the boundary between the properties identified above in paragraphs 6 and 7 with appropriate markers will be completed as soon as convenient, and the parties agree to share equally the costs of the survey.

9. A boundary fence will be established between the parties, and each party agrees to appropriately fence one-half of the boundary. The midpoint between the properties will be established by survey, and each party will be responsible to fence that portion of the overall fence lying to the left of the midpoint, as the owner of the respective properties views the boundary.

10. The fencing will be constructed of pressure treated pointed wooden posts with a minimum 5" diameter and a minimum length of 7", to be placed on 10' centers, with four barb wires. The corners will be constructed with three posts in an "h" pattern, all to comply with BLM specifications for fencing. There will be a continuing duty of the owners of both sides of the property to properly maintain the fences.

11. There are two (2) established water rights with the Idaho Department of Water Resources, Water Right No. 31-256 and Water Right No. 31-257. Each of the two water rights includes water for irrigation and water for stock watering. The place of use for each water right is Section 30 and Section 29, Township 12 N. Range 39 E., Clark County, Idaho. The parties agree to allocate the irrigation rights as set for in the records of the Idaho Department of Water Resources, i.e., Plaintiff shall be entitled to irrigate 90 acres utilizing no more than 1.7 cfs, and Defendants shall be entitled to irrigate 86 acres using no more than 1.7 cfs. The parties further agree the stock water rights shall be allocated 67 head to Plaintiff and 133 head to the Defendants. The parties agree to

execute any documents required by the Idaho Department of Water Resources to properly transfer the water rights as allocated above. The parties will be free to make appropriate claims to the Idaho Department of Water Resources without interruption of the other party to divide and partition each respective water right.

12. If there are division rights controlled by Clark County Zoning Ordinance(s), one-fourth of the division rights will be allocated to the Plaintiff, and three-fourths of the division rights will be allocated to the Defendants. In the event there are no currently existing division rights applicable to Clark county, this paragraph will be of no further force or effect.

13. The parties will each have the right of first refusal with respect to the sale of the subject properties. It is understood and agreed between the parties that should either party desire to sell their interest in the subject property, or any part of such property, and finds a purchaser, or purchasers, who are ready, able, and willing to purchase the same, the parties shall have the right to purchase the interest of the other party for the amount of any bona fide offer made by any third party, or parties; and the right of the parties to buy the interest of the other party at such price shall extend for a period of 30 days after written notice of such bona fide offer has been communicated to the other party in writing by the party. If such right to purchase at such price is not exercised within the stated period of 30 days this right shall immediately terminate, and shall be of no further force or effect, and the party desiring to sell may dispose of their interests, to such third party, or parties. The right of first refusal shall be binding on the heirs or successors of interest of the parties, but shall terminate after the initial arm's length sale or sales of either parcel in its entirety.

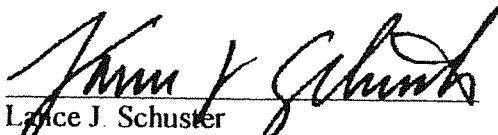
14. A closing of the referenced transaction will occur as soon as convenient after the completion of the survey, but with the condition that the Defendants would have the right to utilize the subject property for grazing their cattle throughout the completion of the 2010 grazing season, and in conjunction there with, would have the right to utilize the corrals on the property in the fall of 2010.

15. The real property taxes allocable to 2010 will be paid by the Defendants; taxes assessed for the year 2010 and thereafter will be paid by the respective parties pursuant to assessments of the Clark County Assessor.

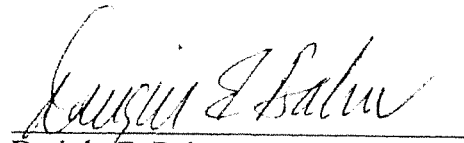
16. The parties agree to a dismissal with prejudice of the pending action, without costs or fees to either party.

IT IS SO AGREED.

DATED: March 30, 2011


Lance J. Schuster
Of Beard St. Clair Gaffney PA
Attorney for Plaintiff

DATED: March 30, 2011


Dwight E. Baker
Of Baker & Harris
Attorney for Defendants

RECORDED AT THE REQUEST OF:

Baker & Harris
266 W Bridge Street
Blackfoot, ID 83221
Telephone: (208) 785-2310

Microfile No. 54211
19 DAY APR 2011
At 04 O'Clock 55 M
Clark Co. Recorder Lisa Black
Fee \$16.00
MSerrano Deputy
Recorded at Request of
BAKER & HARRIS

space above this line for recording information only

GRANT DEED

THIS INDENTURE, made this 30th day of March, 2011, between, DARRYL N. WALKER AND JANEAL WALKER and MARJORIE WALKER, Grantors, and JEANETTE NUKAYA, of 169 N. Byron Ave., Shelley, Idaho 83274, Grantee.

WITNESSETH: That the said Grantor, for good and valuable consideration paid by the said Grantee, the receipt whereof is hereby acknowledged, do by these presents demise, release and forever quit claim unto the said Grantee, and to their heirs and assigns all the certain land situate, lying and being in the County of Clark, State of Idaho, described as follows, to wit:

Beginning at the North 1/4 Corner of Section 30, Township 12 North, Range 39 East of the Boise Meridian; running thence S.00°27'58"E. along the North-South Center Section line 2646.60 feet to the Center 1/4 Corner of said Section 30; thence N.89°58'13"E. along the East-West Center Section line of said Section 30 a distance of 2644.91 feet to the East 1/4 Corner of said Section 30; thence N.00°28'09"W. along the East line of said Section 30 a distance of 660.00 feet; thence S.89°58'13"W. 990.00 feet; thence N.45°13'05"W. 944.37 feet; thence N.00°27'58"W. 1320.00 feet to the North line of said Section 30; thence N.89°58'16"W. along said North line 990.00 feet to the POINT OF BEGINNING.

Containing 90.29 acres.

SUBJECT TO an easement for a county roadway and existing bridge along the north edge of the property.

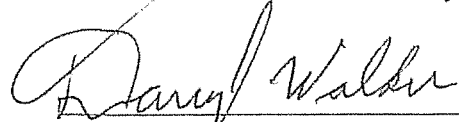
Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

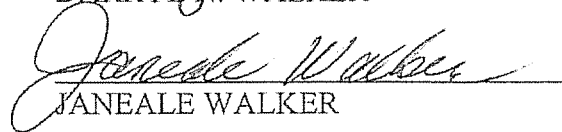
Subject to all existing rights-of-ways for public highways, protective covenants, utility lines, existing roadways, irrigation ditches and all

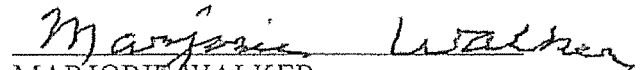
building, zoning and other restrictions of use and all encumbrances
of record.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the
appurtenances and privileges thereto incident, unto the said Grantee and to her heirs and assigns
forever.

IN WITNESS WHEREOF, the said Grantor hereunto sets his hand the day and year first
above written.


DARRYL W. WALKER

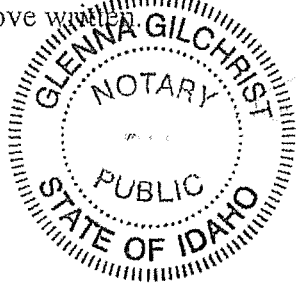

JANEALE WALKER


MARJORIE WALKER

STATE OF IDAHO)
 : ss.
County of Jefferson

On this 30 day of March, 2011, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Darryl N. Walker and Janeale Walker, husband and wife, 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 first above written.

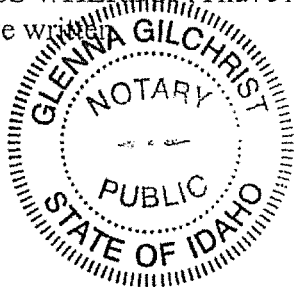


Glenna Gilchrist
Notary Public for Idaho
Residing at: Lewisville
My Commission Expires: 9/20/16

STATE OF IDAHO)
 : ss.
County of Jefferson

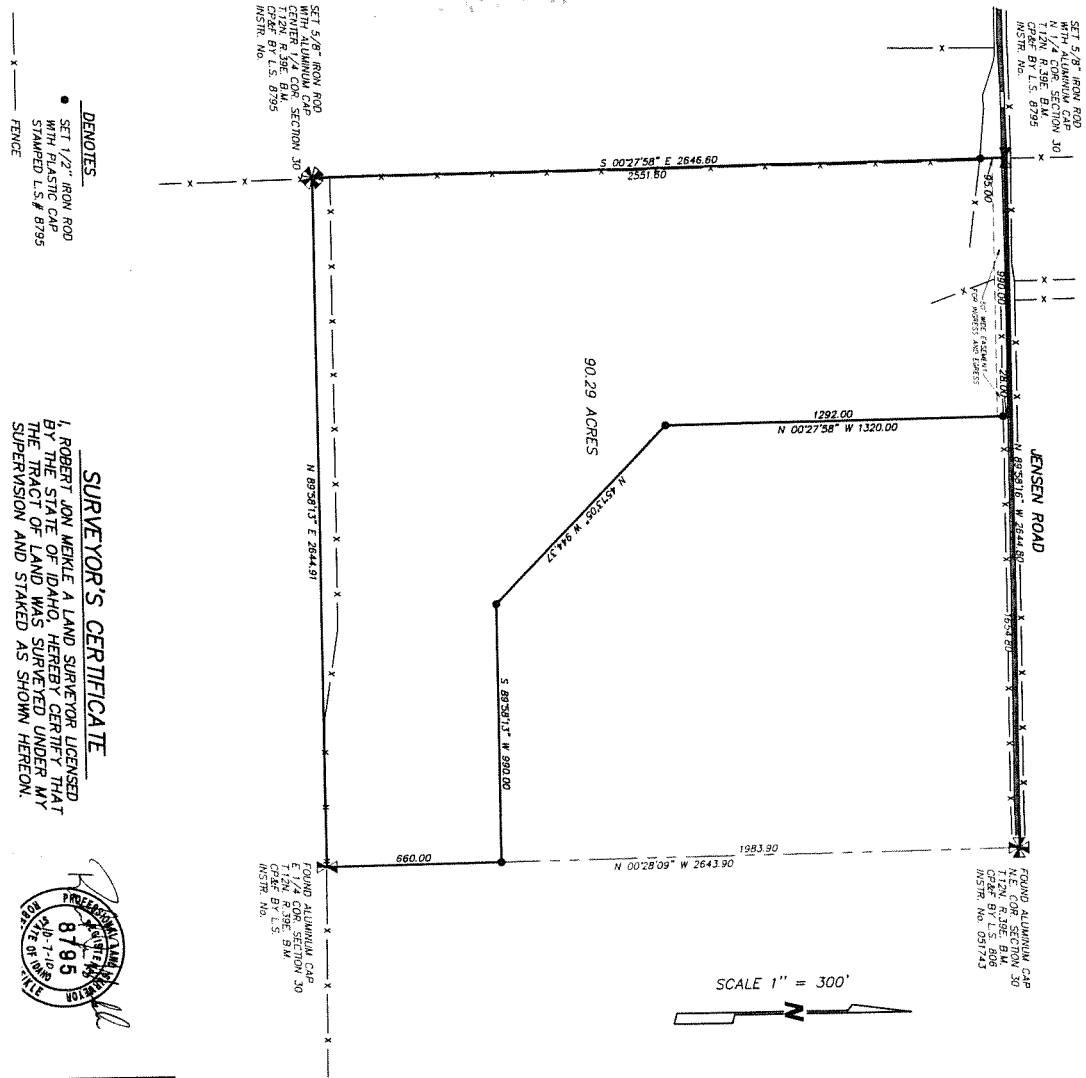
On this 30 day of March, 2011, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Marjorie Walker, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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



Glenna Gilchrist
Notary Public for Idaho
Residing at: Lewisville
My Commission Expires: 9/20/16

RECORD OF SURVEY

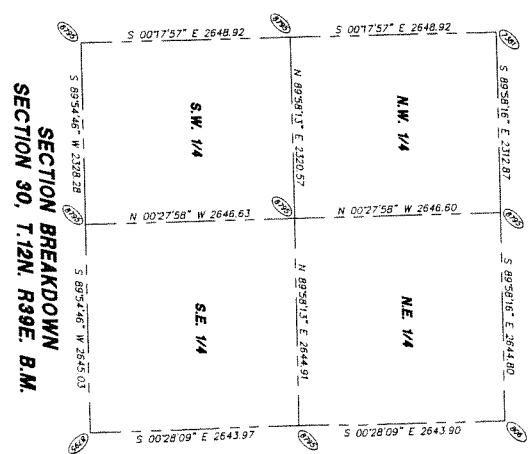


PROPOSED DESCRIPTION

Beginning at the North 1/4 Corner of Section 30, Township 12 North, Range 39 East of the Boise Meridian; running thence S.00°27'58"E. along the North-South Center Section line 2646.60 feet to the Center 1/4 Corner of said Section 30, thence N.89°58'13"E. along the East-West Center Section line of said Section 30 a distance of 2644.91 feet to the East 1/4 Corner of said Section 30, thence N.00°28'09"W. along the East line of said Section 30 a distance of 660.00 feet, thence S.89°58'13"W. 990.00 feet, thence N.45°13'05"W. 944.37 feet, thence S.00°27'58"W. 1320.00 feet to the North line of said Section 30, thence N.89°58'16"W. along said North line 990.00 feet to the POINT OF BEGINNING.

SUBJECT TO: A 50 foot wide easement for ingress and egress more specifically described as follows:

Beginning at the North 1/4 Corner of Section 30, Township 12 North, Range 39 East of the Boise Meridian; running thence S.00°27'58"E. along the North-South Center Section line 30.00 feet, thence S.89°58'16"E. 990.00 feet, thence N.00°27'58"W. 50.00 feet to the North line of said Section 30, thence N.89°58'16"W. along said North line 990.00 feet to the end of said easement. ALSO SUBJECT TO: existing County road Right-of-Way and easements of record.



Division

**RECORD OF SURVEY FOR
JEANETTE NUKAYA**

PART OF THE NE 1/4 OF SEC. 30 T.12N. R.39E.B.M.
CLARK COUNTY, IDAHO

Scale: 1" = 300' Drawn: D.M. Date: SEP 2010 Pkg. R-161707-5

