

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

RECEIVED
MAY 26 2010
Department of Water Resources
Eastern Region

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 IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
34-521	OK				

2. The following **REQUIRED** information must be submitted with this form:
- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- 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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. 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 or equivalent **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)

Levin W. Rothwell & Olive S. Rothwell

4. New Owner/Claimant(s)

Josephine Spraker
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

2652 N 3300 W

City, State and ZIP Code

Arco, Id. 83213

New Telephone Number

(208) 527-3278

Email:

Send correspondence to Dean
Dean Moncur
PO Box 76
Arco, Id 83213

5. Date you acquired the property _____

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

7. Signature(s) of New Owner(s) or Claimant(s) _____

Josephine Spraker

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by *JB*
 Received by *JB*
 Processed by _____ AJ

Date *May 28, 2010*
 Date *May 28, 2010*
 Date _____

Receipt Amt. *\$100*
 Receipt No. *6035857*
 WR _____ Date _____

029081

FILED

MAY 11 1995

11:56 A.M.

P.M.

BUTTE COUNTY RECORDER

WARRANTY DEED

FOR VALUE RECEIVED, LEWIS ROTHWELL, aka Lewis W. Rothwell, and OLIVE

I. ROTHWELL, aka Olive Rothwell, husband and wife, the Grantors, do hereby grant, bargain, sell, and convey unto ROBERT L. SPRAKER and JOSEPHINE SPRAKER, husband and wife, the Grantees, whose current address is Route 1, Arco, Idaho 83212, the following described premises, to-wit:

SEE ATTACHED EXHIBIT B

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they the owners in fee simple of said premises; that said premises are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

DATED and signed this 10th day of May, 1995.Lewis Rothwell

LEWIS ROTHWELL, aka Lewis W. Rothwell

Olive I. Rothwell

OLIVE I. ROTHWELL, aka Olive Rothwell

STATE OF IDAHO

County of ~~Blackfoot~~

Butte

)
) ss.
)

On this 10th day of May, 1995, before me, the undersigned, a notary public in and for said state, personally appeared LEWIS ROTHWELL, aka Lewis W. Rothwell, and OLIVE I. ROTHWELL, aka Olive Rothwell, 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 in this certificate first above written.

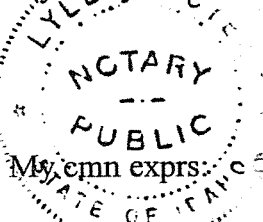
Lyle B. BoyerNotary Public for State of Idaho
Residing at Blackfoot Arco.

EXHIBIT B

TOWNSHIP 4 NORTH, RANGE 26 EAST, BOISE MERIDIAN, BUTTE COUNTY, IDAHO.

SECTION 26: Commencing at a point of contact of the public highway and the East line of Section 26, approximately 30.85 feet North from the Southeast corner of said Section 26; thence West 1154.70 feet, along the boundary of highway; thence North 466.7 feet; thence West 466.7 feet; thence South 466.7 feet to the public highway; thence West 1018.6 feet, more or less, to a point approximately 30.85 feet north of the South one-quarter corner of said Section 26; thence North to a point 11 rods South of the center of said Section 26; thence East to a point 11 rods South of the Northeast corner of the SE $\frac{1}{4}$ of said Section 26; thence South to the POINT OF BEGINNING. The SE $\frac{1}{4}$ SW $\frac{1}{4}$, and fraction of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 4 North, Range 26 East, Boise Meridian, as follows:

Commencing at the Northeast corner of said SW $\frac{1}{4}$ SW $\frac{1}{4}$; thence West 12 rods; thence South 27 rods; thence East 12 rods; thence North 27 rods, to the POINT OF BEGINNING.

TOWNSHIP 4 NORTH, RANGE 26 EAST, BOISE MERIDIAN, BUTTE COUNTY, IDAHO.

SECTION 26: S $\frac{1}{2}$ NE $\frac{1}{4}$ and the North 11 rods of N $\frac{1}{2}$ SE $\frac{1}{4}$.

SECTION 25: S $\frac{1}{2}$ NW $\frac{1}{4}$. EXCEPTING therefrom 3 tracts situated in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and described as follows:

TRACT I: Recorded in Book 9 of Deeds, page 302, described as follows: COMMENCING at a point 19 rods West of the Southeast corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, and running thence West 18 rods; thence North 9 rods; thence East 18 rods; thence South 9 rods, to THE POINT OF BEGINNING.

TRACT 2: recorded in Book 11 of Deeds, page 86, described as follows: COMMENCING at a point 37 rods West and 15 rods North from the Southeast corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25; thence West 9 rods; thence North 18 rods; thence East 9 rods; thence South 18 rods, to the POINT OF BEGINNING.

TRACT 3: Recorded in Book 11 of Deeds page 93, described as follows: COMMENCING at a point 37 rods West and 6 rods North from the Southeast corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25; thence West 18 rods; thence North 9 rods; thence East 18 rods; thence South 9 rods, to the POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM all those portions conveyed to Butte County, for Road and Bridge purposes by Warranty Deed Instrument No. 35518, Book 19, page 358, also Warranty Deed Instrument No. 44215, Book 22, page 53, and the State of Idaho, for highway purposes, by Warranty Deed, recorded in Book 18 of Deeds page 455, records of Butte County, Idaho.

ALSO EXCEPTING THEREFROM a fraction of the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 25, Township 4 North, Range 26, E.B.M., beginning 1800 feet East of the Quarter Corner of Section 25 and 26, Township 4 North, Range 26, E.B.M.; thence Northwest for distance of 229 feet to the POINT OF BEGINNING; thence Northwest 300 feet along the County Road; thence Northeast 750 feet; thence Southeast 300 feet; thence Southwest 175 feet; thence North 25 feet more or less; thence West 148.5 feet; thence South 200 feet; thence Southwest 316 feet; more or less, to the POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM a parcel of land generally described as being a portion of the northwest quarter of Section 25, Township 4 North, Range 26 East of the Boise Meridian, Butte County, Idaho; lying westerly of the westerly right-of-way of U.S. Highway 93 A; Being more particularly described as follows:

Beginning at the west one-quarter corner of said Section 25, from which the southwest corner of said Section 25 bears South 0° 05' 07" East, 2648.24 feet; thence from said west one-quarter corner, Section 25, North 0° 43' 11" East along the west boundary of the northwest quarter of said Section 25, a distance of 0.96 feet to an existing fence corner; thence along an existing fenceline the following four courses and distances:

North 89° 19' 27" East, 150.90 feet;

North 89° 17' 50" East, 736.11 feet;

North 89° 26' 32" East, 207.08 feet;

North 89° 22' 10" East, 229.08 feet to the westerly right-of-way

of U.S. Highway 93A; thence south 41° 27' 38" East, along the westerly right-of-way of U. S. Highway 93A, a distance of 25.12 feet to the south boundary of the northwest quarter of said Section 25; thence North 89° 53' 32" West along the south boundary of the northwest quarter of said Section 25, a distance of 1339.74 feet to the West one-quarter corner of said Section 25 and the POINT OF BEGINNING.

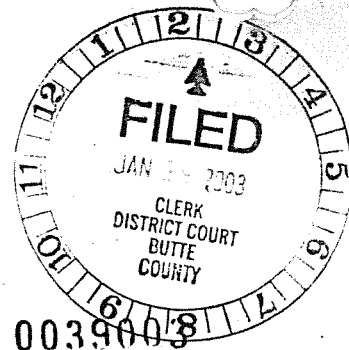
ALSO EXCEPTING THEREFROM a fraction of the Southeast Quarter (SE¼) of the Northwest Quarter (NW¼) of Section 25, Township 4 North, Range 26 East, Boise Meridian, Butte County, Idaho, being more particularly described as follows:

Beginning at a point 1650 feet more or less East of the Corner common to the East one-quarter corner, section 26, and West one-quarter corner of Section 25, where the County Road and the East Boundary of the Rail Road right-of-way intersects the South boundary of the S½NW¼ of said Section 25; Thence Northeasterly 100 feet, more or less, along the North-west boundary of the County Road to the West boundary of the existing Arco Canal; Thence Northwesterly 600, more or less, along the West Boundary of said canal to a Point that intersects the East boundary line of the Rail Road Right-of-way; Thence Southeasterly 600 feet, more or less, along the Rail Road Right-of-way to the POINT OF BEGINNING.

Together with all: cattle grazing range rights, including state, BLM or otherwise, tenements, hereditaments, appurtenances, ditches and ditch rights and water and water rights thereunto belonging or in anywise appertaining. Grantor is retaining no water or cattle grazing range rights associated with this property.

Subject to reservations in United States patents and State deeds or other restrictions imposed by law, easements and right-of-way, zoning and building ordinances, use restrictions of record, and taxes and assessments for the year 1995 and thereafter.

STATE OF IDAHO
COUNTY OF BUTTE } ss
I certify that the foregoing is a full, true and
correct copy of the original on file in this office.
Dated 1-03-03 *[Signature]*
District Court 7th Judicial Dist.
Butte County, Arco, Idaho



JOHN M. OHMAN, ESQ.
COX, OHMAN & BRANDSTETTER, CHARTERED
510 "D" STREET
P.O. BOX 51600
IDAHO FALLS, IDAHO 83405-1600
(208) 522-8606
Idaho State Bar No.: 1501

NO. _____
RECORDED

FEB 04 2003

AM 4:15 PM
BUTTE COUNTY RECORDER
[Signature]

ATTORNEYS FOR: Petitioner

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BUTTE

In the Matter of the Estate of

ROBERT LEE SPRAKER,

Deceased.

Case No. SP03-2

DECREE VESTING ESTATE IN
SURVIVING SPOUSE
(I.C. 15-3-1205)

Upon consideration of the Petition for Summary Administration of Estate of Which
Surviving Spouse is Sole Beneficiary filed by Josephine Spraker on January 24, 2003 the Court
finds that:

1. The facts set forth in the petition are true.
2. The required notice has been given or waived.
3. The decedent, ROBERT SPRAKER died on October 3, 2002, domiciled in Butte
County.
4. Venue is proper.
5. The decedent and Josephine Spraker were duly married on June 18, 1970, and
remained married until the date of decedent's death.

DECREE VESTING ESTATE IN SURVIVING SPOUSE, 1

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6. The surviving spouse, Josephine Spraker, is the sole heir or devisee of the decedent.
7. The decedent died testate, leaving a will dated September 26, 2002. The will was validly executed and is the last will of the decedent.
8. The schedule of property attached to this Decree is a full and complete inventory of the property owned by the decedent and properly characterizes the property as community or separate property.

THEREFORE, it is ordered, adjudged and decreed as follows:

1. Josephine Spraker is the surviving spouse of the decedent and is the sole heir or devisee of the decedent.
2. The property of the decedent described on the schedule attached to this Decree is hereby vested in and distributed to Josephine Spraker free and clear of all right, title, claim or demand of any person or persons claiming or attempting to claim under the estate of the decedent as heir, devisee, or otherwise, except as a proper creditor.
3. The surviving spouse shall assume and be liable for any and all indebtedness that might be a claim against the estate of the decedent.
4. There shall be no administration of the estate of the decedent.

DATED This January 29, 2003.

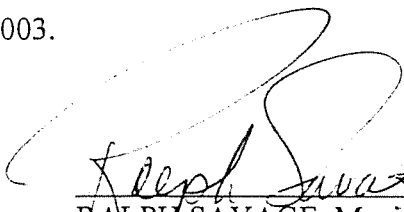

RALPH SAVAGE, Magistrate

EXHIBIT A

SCHEDULE OF ASSETS

REAL PROPERTY

Those real properties, with their improvements, situate in Butte County, Idaho, described as follows:

- Lots 3-4(N2NW4); S2NW4
Section 5 ~~✓~~ Parcel No. RP02N25E052400A
- Lot 1 (NE4NE4); S2NE4; SE4NW4
Section 6 ~~✓~~ Parcel No. RP02N25E060100A
- NE4NW4
Section 8 ~~✓~~ Parcel No. RP03N26E082400A
- FR S2 T#14-83 Less T#13-83
Section 9 ~~✓~~ Parcel No. RP03N26E094801A
- NW4NE4; N2SW4 T# 22-83; S2NW4
Section 10 ~~✓~~ Parcel No. RP03N26E100601A
- FR NE4SW4 T# 196; SE4
Section 20 ~~✓~~ Parcel No. RP03N25E204850A
- FR N2NE4 T# 183
Section 20 ~~✓~~ Parcel No. RP03N25E200100A
- NE4; E2NW4; S2
Section 21 ~~✓~~ Parcel No. RP03N25E210100A
- NW4NW4; FR SW4NW4 T# 23-39
Section 27 ~~✓~~ Parcel No. RP03N25E273000A
- NE4; E2NW4; NW4NW4; NE4SW4; NW4SE4;
FR NE4SE4 T# 24-39; FR S2SE4 T# 25-39
Section 28 ~~✓~~ Parcel No. RP03N25E280100A
- NE4NE4; W2NE4; NW4; S2SW4; W2SE4
Section 29 ~~✓~~ Parcel No. RP03N25E290100A
- FR E2NE4NE4 T# 190; SE4NE4; E2SE4
Section 30 ~~✓~~ Parcel No. RP03N25E300100A
- W2NE4NE4; NE4NW4; NW4NE4
Section 30 ~~✓~~ Parcel No. RP03N25E300150A

DECREE VESTING ESTATE IN SURVIVING SPOUSE, 3

E2NE4; N2SE4
Section 31

~~✓~~ Parcel No. RP03N25E310100A

- W2
Section 32

~~✓~~ Parcel No. RP03N25E322400A

- FR NE4SW4 T# 30-50²
Section 1

~~✓~~ Parcel No. RP03N26E014800A

- FR W2SW4 T# 32-39
Section 1

~~✓~~ Parcel No. RP03N26E015400A

- FR NE4SW4; T# 29-50; T# 17-60²
Section 1

~~✓~~ Parcel No. RP03N26E014988A

- FR S2NW4 T# 94; FR NW4SW4 T# 93; NE4SW4;
FR S2SW4 T# 5-70
Section 22

~~✓~~ Parcel No. RP04N26E223676A

- SE4SW4SE4
Section 11

✓ Parcel No. RP04N26E118404A

- FR NE4NE4 T# 77; NW4NE4
Section 26

~~✓~~ Parcel No. RP04N26E260100A

- FR SE4 T# 33312
Section 26

~~✓~~ Parcel No. RP04N26E267228A

- FR N2SE4 & FR SE4SW4 Less T#1-49, T#31375,
T#33312 & T#34773
Section 26

~~✓~~ Parcel No. RP04N26E267229A

- SW4SE4; FR SE4SE4 T# 25-78
Section 23

~~✓~~ Parcel No. RP04N26E238400A

- SW4SW4
Section 24

✓ Parcel No. RP04N26E244850A

- NW4NE4; NE4NW4; FR NW4NW4 T# 15;
FR NW4NW4 T# 16
Section 25

~~✓~~ Parcel No. RP04N26E250600A

- FR S2NW4 T# 29081 Less T# 31335
Section 25

✓ Parcel No. RP04N26E254225A

DECREE VESTING ESTATE IN SURVIVING SPOUSE, 4

FR NW4SW4 T# 31291
Section 25

✓ Parcel No. RP04N26E254999A

- FR NW4 T#29765
Section 14

✓ Parcel No. RP04N26E143050A

- NW4 Lying N&E of Railroad
Section 14

✓ Parcel No. RP04N26E142410A

- FR NE4SE4 T#9-79 less T#29631
Section 23

✓ Parcel No. RP04N26E237201A

- NE4SW4
SE4SW4
Section 24

✓ Parcel No. RP04N26E244801A

- FR S2NW4 T#29765 Less T#31290
Section 25

✓ Parcel No. RP04N26E253300A

- FR NE4NE4 T#29765
Section 26

✓ Parcel No. RP04N26E260150A

- S2NE4
FR N2SE4 T# 78
Section 26

✓ Parcel No. RP04N26E261200A

- T4N R26E
FR S2 T#31375
Sec 26

X 04N26E267230
1/6

AUTOMOBILES

- 1996 Dodge 3/4 Ton 4X4
- 1994 Lincoln Town Car
- 1989 Chevrolet 3/4 Ton 4X4
- 1974 Chevrolet 2 ½ Ton truck w/ 24' trailer
- Manure truck
- 1969 2 Ton Feed and Water Truck w/tank
- 1981 Ford Replica 1929 Roadster

DECREE VESTING ESTATE IN SURVIVING SPOUSE, 5

BRUCE
MAYNARD
T# 19-79

FLY RANCH

Charles
Barbara
Makke

Stephen E. & Susan H.
Cade
T# 34631
T# 34693
T# 33052

T# 34549
T# 34600
TRAULKE
T# 34611

Josephine
Spraker

Paul & Ab
Schert

Douglas
Stran

Barbara & Jeff
Cade
T# 33-78
T# 34643

Judd
T# 7-79
Judd
T# 19-79

Marilyn Mowbray-Lambert
& Clifford Lambert
T# 2985

Josephine
Spraker

Marilyn Mowbray-Lambert
T# 48652

Josephine Spraker

Josephine
Spraker
T# 33312

Johna Blair Johnston

Brook & Christy
Casper
T# 31375

Gregory John
Esler
T# 34773

Brook Casper
T# 41400

Inland Co
T# 496