



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

September 16, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

MELINDA JOHNSON
D L EVANS BANK
PO BOX 87
TWIN FALLS ID 83303

RE: Notice of Change of Water Right Ownership and Notice of Security Interest

Dear Melinda:

On July 6, 2011, the department received your notice of security interest and the notice of change in water right ownership for water right 36-12771. The department has modified its records to reflect the change in security interest and has enclosed a water right report for your records.

As I explained in our telephone conversation today, the place of use as decreed by the court does not match the Quitclaim Deed. I am enclosing a copy of the decree which describes the place of use as being in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, in Section 01, Township 10S, Range 23E. I do note that the parcel number listed on the water right report does match the parcel that is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$.

If you believe that the Snake River Basin Adjudication (SRBA) Court issued the partial decree with an error in the description of the place of use, Mr. Mays can pursue one of the following options:

- 1) Motion to set-aside – a motion filed with the SRBA Court which, if granted, would provide a process to correct the partial decree. You would need to provide justification for the correction.
- 2) Motion to file late claim – a motion filed with the SRBA Court which, if granted, would allow you to file a new claim for your existing water use. A late claim would be investigated for validity and accuracy by the Department.

Since the deed submitted does not match the place of use for this water right, I am returning the notice of change in water right ownership and have requested that a refund of \$25 be mailed to you.

If you have any questions regarding this matter, please call me at 208-287-4952. Questions regarding filing a motion with the SRBA Court can be directed to Craig Saxton at 208-287-4916.

Sincerely,

Emalee Rushing
Office Services Supervisor

Enclosures

Identify

Identify from: Taxlots

Taxlots

MERRILL, LOLETA MAY

Location: 2,523,847.283 1,264,919.873 Meters

Field	Value
OBJECTID	4413878
UPDATED	5/4/2009
PIN	RP10523E011800
OWNER	MERRILL, LOLETA MAY
ADDRESS1	PO BOX 486
ADDRESS2	
CITY	ALBION
STATE	ID
ZIPCODE	83311
P_ADDRESS	225 S 210 W
P_ZIPCODE	83350
SUB_NAME	
LEGAL1	S2NE4 LESS US HWY 30
LEGAL2	& RR 1-10-23 LESS
LEGAL3	PORTION N&W B-4 CANAL
LEGAL4	
LEGAL5	
LEGAL6	<null>
ACRES	68.6
COUNTY	Minidoka
SOURCE	<null>
YEAR_BUILT	1915
SHAPE	Polygon

Identified 1 feature

RECEIVED

JUL 06 2011

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

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?
36-12771	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Loleta May Merrill
Name of current water right holder/claimant

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

New owner continued Name connector ☐ and ☐ or ☐ and/or
229 South 200 West
 Mailing address
Rupert ID 83350
 City State ZIP
208-536-5735
 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: November 10, 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: Mervin May Title, if applicable Date

Signature: _____ Title, if applicable Date

For IDWR Office Use Only:

Received by SRF Date 7-6-11 Receipt No. C093520 Receipt Amt. \$25.00
 Approved by _____ Processed by _____ Date _____

Not processed - refund requested (to D L Evans) 9-14-11 SW

Mervin Lyle May
229 South 200 West
Rupert, ID 83350

Instrument # 510315
MINIDOKA COUNTY, RUPERT, IDAHO
11-20-2010 03:58:16 No. of Pages: 3
Recorded for : FIRST AMERICAN TITLE
DUANE SMITH Fee: 18.00
Ex-Officio Recorder Deputy

APN: RP10S23E011800A

Quitclaim Deed - continued

File No.: 358142BU ()

Date: 11/10/2010

Jace McNelly
Notary Public of Idaho
Residing at: Hayburn, ID
Commission Expires: 4/25/2014

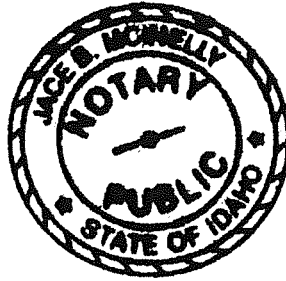
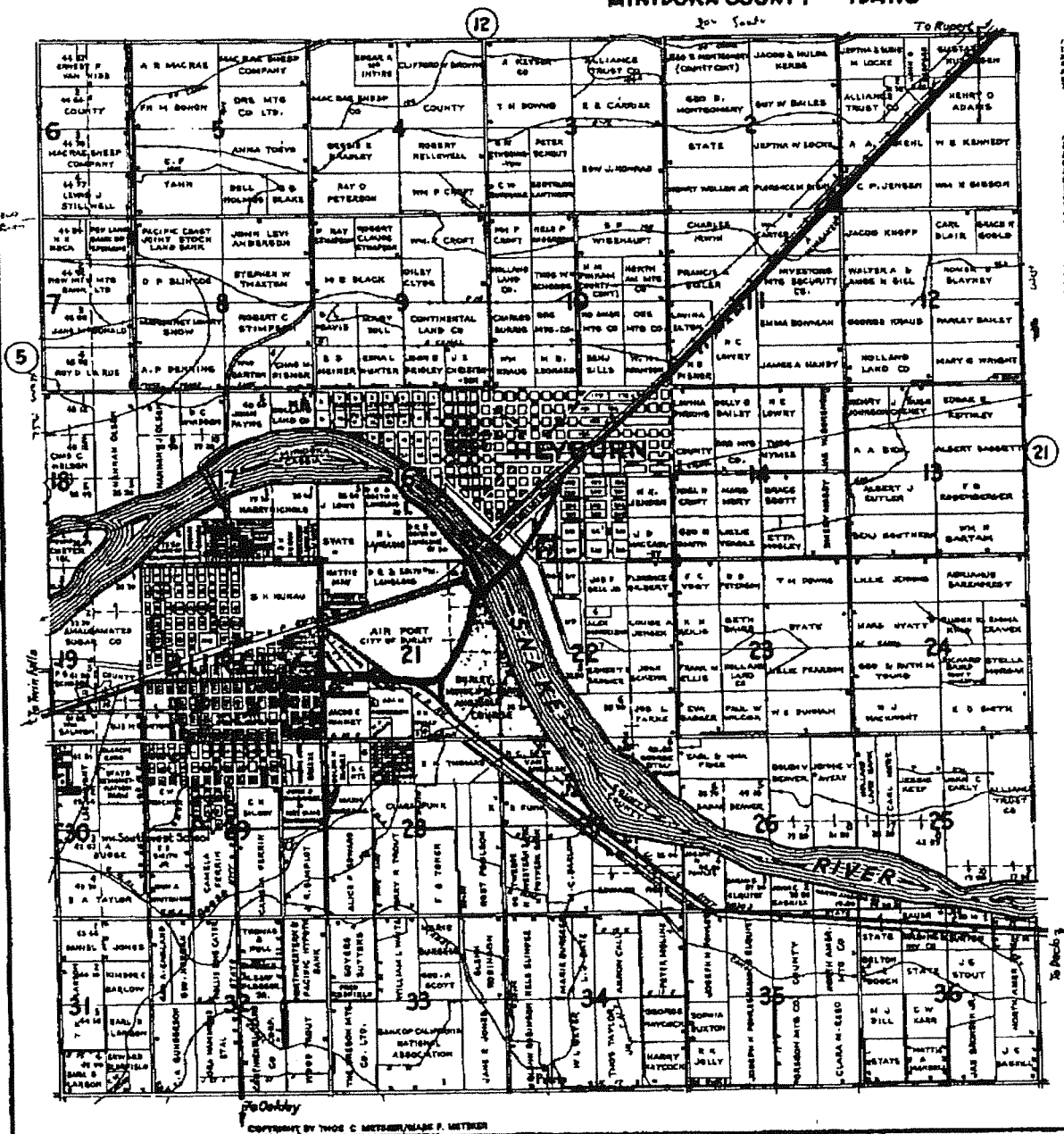


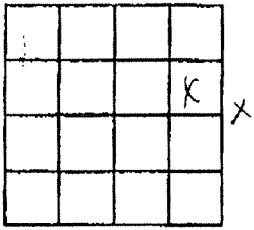
EXHIBIT A

PART OF THE SE $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 1, TOWNSHIP 10 SOUTH, RANGE 23 E.B.M., MINIDOKA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE E $\frac{1}{4}$ SECTION CORNER OF SECTION 1 OF TOWNSHIP 10 SOUTH, RANGE 23 E.B.M., SAID CORNER MARKED BY A 5/8 INCH REBAR, WHICH SHALL BE THE POINT OF BEGINNING;

THENCE S. 89°45'06" W. ALONG THE SOUTH LINE OF THE SE $\frac{1}{4}$ NE $\frac{1}{4}$ FOR A DISTANCE OF 510.42 FEET; THENCE N. 00°27'28" W. FOR A DISTANCE OF 18.30 FEET TO A 5/8 INCH REBAR; THENCE N. 00°27'28" W. FOR A DISTANCE OF 1287.07 FEET TO A 5/8 INCH REBAR; THENCE N. 00°27'28" W. FOR A DISTANCE OF 15.01 FEET TO THE NORTH LINE OF THE SE $\frac{1}{4}$ NE $\frac{1}{4}$; THENCE N. 89°33'12" E. ALONG THE NORTH LINE OF THE SE $\frac{1}{4}$ NE $\frac{1}{4}$ FOR A DISTANCE OF 517.96 FEET TO A 5/8 INCH REBAR AT THE NE CORNER OF THE SE $\frac{1}{4}$ NE $\frac{1}{4}$; THENCE S. 00°07'51" E. ALONG THE EAST LINE OF SECTION 1 FOR A DISTANCE OF 1322.16 FEET TO THE POINT OF BEGINNING.

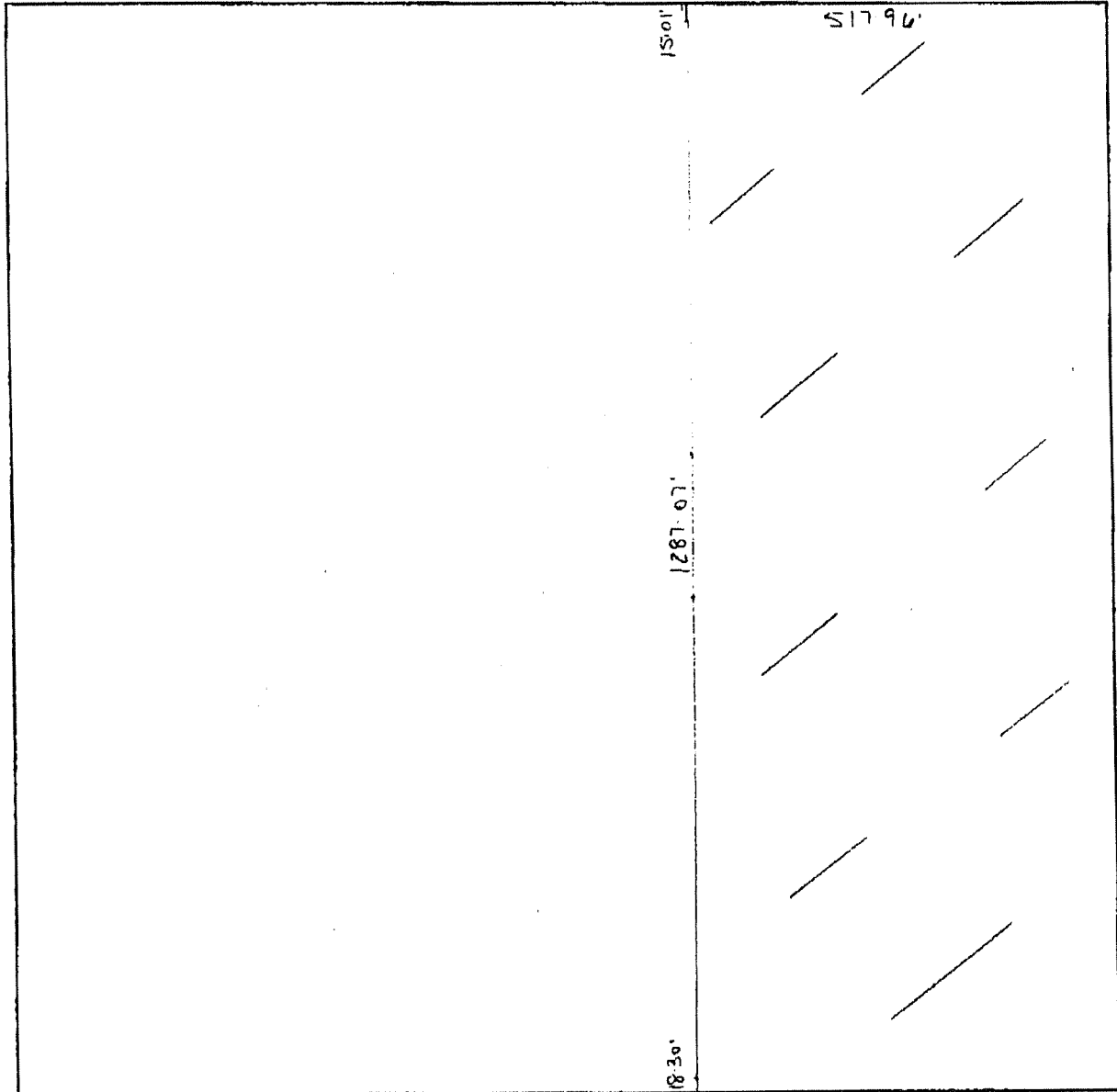




SEY4 NEY4

Section 1, township 10 South, Range 23 E.B.M.

N
1" = 200'



THIS SKETCH IS MADE SOLELY FOR THE PURPOSE OF
ASSISTING IN LOCATING THE PREMISES AND THE
COMPANY ASSUMES NO LIABILITY FOR VARIATIONS
IF ANY, WITH AN ACTUAL SURVEY.
FIRST AMERICAN TITLE COMPANY

✓ ALB 53