



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

July 20, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

KERRY WAYNE SAUREY
701 VAL VERDE DR
RUPERT ID 83350

RE: Notice of Change in Water Right Ownership

Dear Mr. Saurey:

On February 17, 2010, the Department of Water Resources received your Notice of Change in Water Right Ownership for water right 45-571. When I researched the status of water right 45-571, I found that the irrigation portion was not claimed as required in the Snake River Basin Adjudication (SRBA) and that the stockwater portion was claimed and decreed as 45-571A.

I did split water right 45-571A as it appeared that portion was appurtenant to your property. After further research, I find that water right 45-571A is not appurtenant to your property. I have restored water right 45-571A in its entirety to Bruce, Martha and Jared Bedke. Therefore, I am returning your notice and have requested that a refund in the amount of \$100 be mailed to Land Title and Escrow, Inc.

Should you wish to pursue obtaining a decree for the irrigation portion of water right 45-571, you would need to file a late claim with the SRBA District Court. I have enclosed the SF4 (motion to file late notice of claim), a notice of claim, instructions for the claim form, and a copy of the water right report. If you have questions about this process, you can call the southern office at 736-3033 or Craig Saxton at the state office at 208-287-4916.

Please feel free to call me at 208-287-4952 if you have any questions regarding this matter.

Sincerely,

Emalee Rushing
Office Services Supervisor

Enclosures

cc: BRUCE & MARTHA BEDKE
JARED BEDKE
42 E BASIN RD
OAKLEY ID 83346

NICOLE BRUESCH – FILE NO. 47229
LAND TITLE AND ESCROW, INC.
BOX 177
BURLEY ID 83318

RECEIVED

FEB 17 2010

DEPT. OF WATER RESOURCES
SOUTHERN 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 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)
45-571A	→ Beake	yes			
	45-14342 → Saurey				

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) Kenneth Fairchild and LeRoy Fairchild
84 E Basin Rd
Oakley, ID 83346

4. New Owner/Claimant(s) Kerry Wayne Saurey
Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address 701 Val Verde Dr.
City, State and ZIP Code Rupert, ID 83350

New Telephone Number () _____ Email: _____

SUPPORT DATA

IN FILE # 45-571A

COANNED

MAY 24 2011

5. Date you acquired the property

2/16/10

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)

Kenny Laury

(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 [Signature]
 Received by [Signature]
 Processed by _____ AJ

Date 2-17-2010
 Date 2/17/10
 Date _____

Receipt Amt. 100⁰⁰
 Receipt No. 5031283
 WR SR Date 5/12/11

7-21-11 Returned - Not
 able to process

SCANNED

MAY 25 2011

WARRANTY DEED

COPY

CASSIA COUNTY

#47229

RECORDED FOR:
LAND TITLE AND ESCROW
10:01:49 am 02-16-2010
2010-000714

NO. PAGES: 5 FEE: \$15.0
LARRY A. MICKELSEN
COUNTY CLERK
DEPUTY: VIKI

For Value Received

WADE ZOLLINGER and LINDA ZOLLINGER, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

KERRY WAYNE SAUREY, a married man

Mailing Address: 701 Val Verde Dr, Rupert, ID 83350

Hereinafter called the Grantee, the following described premises situated in Cassia County, Idaho, to-wit:

See Attached Exhibit "A"

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 2010 and subsequent years.

Easement for Water Conduit from Lloyd Martin and Martha Martin, husband and wife, to Jesse R. Bedke and Marguerite Bedke, husband and wife, M. Roy Steel and Iona Steel, husband and wife, Asahel Fairchild and Verla Fairchild, husband and wife, and Leroy Day, recorded October 6, 1961 as Instrument No. 3677 on Film No. 9, records of Cassia County, Idaho.

Easement for Water Conduit from Myrtle Elison, formerly Myrtle McIntosh, to Jesse R. Bedke and Marguerite Bedke, husband and wife, M. Roy Steel and Iona Steel, husband and wife, Asahel Fairchild and Verla Fairchild, husband and wife, and Leroy Day, dated October 31, 1961 and recorded November 6, 1961 as Instrument No. 3961 on Film No. 9, records of Cassia County, Idaho.

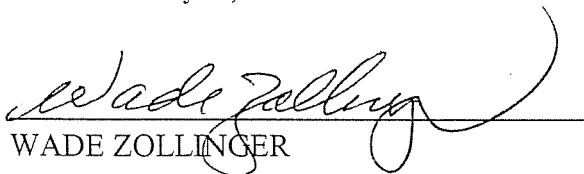
Pond, Ditch, Pipeline And Easement Agreement by and between Donald K. Bedke and Susan Bedke, husband and wife, Marguerite H. Robinson, a widow, Bruce Bedke and Martha J. Bedke, husband and wife and John Firth and Carolyn Firth, husband and wife, dated March 11, 1988 and recorded October 30, 1990 as Instrument No. 210262 on Film No. 220, records of Cassia County, Idaho.

Easement contained in Warranty Deed from Wade Zollinger and Linda Zollinger, husband and wife, to Christopher M. Clarkson and Jennifer J. Clarkson, husband and wife, dated August 6, 2007 and recorded August 6, 2007 as Instrument No. 2007-317467, records of Cassia County, Idaho.

SCANNED
MAY 24 2011

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumberances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

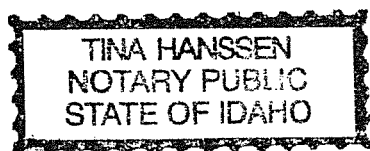
Dated: February 12, 2010

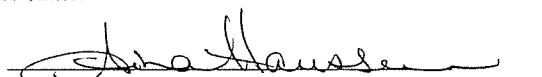

WADE ZOLLINGER


LINDA ZOLLINGER

STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

On this 11 day of February, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared **WADE ZOLLINGER and LINDA ZOLLINGER**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.




Notary Public
Residing at: Rupert ID
My Commission expires: 05/07/15

COANNED
MAY 24 2011

EXHIBIT 'A'

PARCEL NO. 1:

TOWNSHIP 14 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 8: NE¼ of said Section 8, EXCEPTING THEREFROM the following described tracts:

Tract No. 1:

Commencing 20 1/3 rods East from the Northwest corner of the NW¼NE¼ of said Section 8;
Thence running 111 1/3 rods South to the Southwest corner;
Thence East 28 1/3 rods;
Thence North 28 1/3 rods;
Thence West 24 1/3 rods;
Thence North 83 1/3 rods;
Thence West 4 rods to the Place of Beginning.

Tract No. 2:

Beginning at the North ¼ section corner of Section 8, said corner marked by a 5/8" rebar; Thence South 88°57'55" East (East rec.) along the north section line for a distance of 401.50 feet (24 1/3 rods) to a point; Thence South 00°41'01" East (South rec.) along a line parallel to and 401.50 feet from the west line of the NE¼ for a distance of 1366.23 feet to the Point of Beginning;
Thence South 89°25'50" East for a distance of 380.08 feet to a 1/2" rebar;
Thence South 00°38'14" East for a distance of 6.35 feet;
Thence North 88°57'55" West (West rec.) for a distance of 380.16 feet;
Thence North 00°41'01" West (North rec.) for a distance of 3.27 feet to the Point of Beginning.

Tract No. 3:

Beginning at the North ¼ section corner of Section 8, said corner marked by a 5/8" rebar; Thence South 88°57'55" East (East rec.) along the north section line for a distance of 401.50 feet (24 1/3 rods) to a point; Thence South 00°41'01" East (South rec.) along a line parallel to and 401.50 feet from the west line of the NE¼ for a distance of 1369.50 feet (83 rods); Thence South 88°57'55" East (East rec.) for a distance of 380.16 feet; Thence South 00°38'14" East for a distance of 467.49 feet to the Point of Beginning;
Thence South 00°38'14" East for a distance of 7.95 feet to a 1/2" rebar;
Thence North 89°25'50" West for a distance of 467.50 feet to a 1/2" rebar;
Thence North 00°38'14" West for a distance of 481.80 feet to a 1/2" rebar;
Thence North 00°38'14" West for a distance of 48.64 feet to the north line of the SW¼NE¼;
Thence South 88°52'23" East along said line for a distance of 21.40 feet to a point that is 335.50 feet (20 1/3 rods) east of the west line of the SW¼NE¼;
Thence South 00°41'01" East (South rec.) along a line parallel to and 335.50 feet from the west line of the SW¼NE¼ for a distance of 518.66 feet;
Thence South 88°57'55" East (East rec.) for a distance of 445.78 feet to the Point of Beginning.

-Continued-

SCANNED
MAY 24 2011

CONTINUATION
OF EXHIBIT 'A'

Tract No. 4

The West 20 1/3 rods of the NW¼NE¼

Tract No. 5:

Beginning at the Northeast section corner of Section 8, said corner marked by a 5/8 inch rebar with a 3 inch aluminum cap on top which shall be the Point of Beginning;
Thence South 00°02'57" East along the east line of the NE¼NE¼ for a distance of 1321.65 feet to the Southeast corner of the NE¼NE¼ marked by a 5/8 inch rebar;
Thence South 00°03'15" East along the east line of the SE¼NE¼ for a distance of 24.06 feet;
Thence North 89°44'53" West for a distance of 36.22 feet to a ½ inch rebar;
Thence North 89°44'53" West for a distance of 609.05 feet to a ½ inch rebar;
Thence North 00°02'57" West for a distance of 1287.18 feet to a ½ inch rebar;
Thence North 00°02'57" West for a distance of 67.35 feet to the north line of the NE¼NE¼;
Thence South 88°57'55" East along said line for a distance of 645.38 feet to the Point of Beginning.

Tract No. 6:

Beginning at the N¼ corner of said Section 8, said corner marked by a 5/8 inch rebar; Thence South 88°57'55" East (East, rec.) along the North section line for a distance of 345.18 feet to the Point of Beginning;
Thence South 88°57'55" East continuing along said line for a distance of 1637.21 feet to a point which is 645.38 feet North 88°57'55" West of the Northeast section corner;
Thence South 00°02'57" East for a distance of 67.35 feet to a ½ inch rebar;
Thence South 00°02'57" East for a distance of 1287.18 feet to a ½ inch rebar;
Thence North 89°21'49" West for a distance of 1185.51 feet to a ½ inch rebar;
Thence North 89°25'50" West for a distance of 401.50 feet to a ½ inch rebar;
Thence North 89°25'50" West for a distance of 36.00 feet;
Thence North 00°38'14" West for a distance of 1280.67 feet to a ½ inch rebar;
Thence North 00°38'14" West for a distance of 86.00 feet to the Point of Beginning.

Tract No. 7

Beginning at the Northeast corner of the SE¼NE¼ of Section 8, said corner marked by a 5/8 inch rebar; Thence South 00°03'15" East along the East line of Section 8 for a distance of 24.06 feet to the Point of Beginning;
Thence South 00°03'15" East along the East line of Section 8 for a distance of 483.91 feet to a ½ inch rebar;
Thence North 89°25'50" West for a distance of 892.95 feet to a ½ inch rebar;
Thence North 00°20'57" West for a distance of 480.66 feet to a ½ inch rebar;
Thence South 89°21'49" East for a distance of 250.12 feet to a ½ inch rebar;
Thence South 89°44'53" East for a distance of 609.05 feet to a ½ inch rebar;
Thence South 89°44'53" East for a distance of 36.22 feet to the Point of Beginning.

Tract No. 8

Beginning at the Northeast corner of the SE¼NE¼ of Section 8, said corner marked by a 5/8 inch rebar; Thence South 00°03'15" East along the East line of Section 8 for a distance of 24.06 feet; Thence North 89°44'53" West for a distance of 36.22 feet to a ½ inch rebar; Thence North 89°44'53" West for a distance of 609.05 feet to a ½ inch rebar; Thence North 89°21'49" West for a distance of 250.12 feet to a ½ inch rebar which shall be the Point of Beginning;
Thence South 00°20'57" East for a distance of 480.66 feet to a ½ inch rebar;
Thence North 89°25'50" West for a distance of 892.95 feet to a ½ inch rebar;
Thence North 00°38'14" West for a distance of 481.75 feet to a ½ inch rebar;
Thence South 89°21'49" East for a distance of 895.39 feet to the Point of Beginning.

CONTINUATION
OF EXHIBIT 'A'

PARCEL NO. 2:

TOWNSHIP 14 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 8: Part of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, more particularly described as follows:

Beginning at the North $\frac{1}{4}$ section corner of Section 8, said corner marked by a 5/8" rebar; Thence South 88°57'55" East (East rec.) along the north section line for a distance of 401.50 feet (24 $\frac{1}{3}$ rods) to a point; Thence South 00°41'01" East (South rec.) along a line parallel to and 401.50 feet from the west line of the NE $\frac{1}{4}$ for a distance of 1369.50 feet (83 rods); Thence South 88°57'55" East (East rec.) for a distance of 380.16 feet to the Point of Beginning;
Thence South 88°57'55" East (East rec.) for a distance of 21.34 feet;
Thence South 00°41'01" East (South rec.) for a distance of 467.50 feet (28 $\frac{1}{3}$ rods);
Thence North 88°57'55" West (West rec.) for a distance of 21.72 feet;
Thence North 00°38'14" West for a distance of 467.49 feet to the Point of Beginning.

PARCEL NO. 3:

A non-exclusive 30 foot access easement for the benefit of Parcel Nos. 1 and 2 as reserved in Warranty Deed, dated February 16, 2006, and recorded February 17, 2006 as Instrument No. 306770, records of Cassia County, Idaho, more particularly described as follows:

TOWNSHIP 14 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 8: Part of the NE $\frac{1}{4}$, more particularly described as follows:

Beginning at the N $\frac{1}{4}$ corner of said Section 8; Thence South 88°57'55" East for a distance of 345.18 feet; Thence South 00°38'14" East a distance of 34.51 feet to a point on the centerline of a county road, which point is the Point of Beginning;
Thence South 87°30'39" East along the centerline of the county road for a distance of 30.04 feet;
Thence South 00°38'14" East a distance of 1301.15 feet;
Thence South 89°25'50" East a distance of 438.13 feet;
Thence South 00°34'10" West a distance of 30.04 feet;
Thence North 89°25'50" West a distance of 30.00 feet to a $\frac{1}{2}$ inch rebar;
Thence continuing North 89°25'50" West a distance of 407.49 feet to a $\frac{1}{2}$ inch rebar;
Thence continuing North 89°25'50" West a distance of 30.01 feet;
Thence North 00°38'14" West a distance of 1280.67 feet to a $\frac{1}{2}$ inch rebar;
Thence continuing North 00°38'14" West a distance of 51.49 feet to the Point of Beginning.

END OF SCHEDULE A

SCANNED
MAY 24 2011