

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

RECEIVED

DEC - 1 2004

DEPARTMENT OF
WATER RESOURCES

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
13-2209		X			

RECEIVED

OCT 15 2009

Department of Water Resources
Eastern Region

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 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)

Lee Schvaneveldt Sidney Lee Schvaneveldt
 46 S. 2 E Weston, Id 6762 W. 22005, Weston, Id 83286

4. New Owner/Claimant(s)

Clinton K. Aston Estelita Aston

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

New Mailing Address

P.O. Box 35 192 E. Depot

City, State and ZIP Code

Weston, Id 83286

New Telephone Number

435 770-5999

5. Date you acquired the property

July 28, 2004

RECEIVED

NOV 22 2004

Department of Water Resources
Eastern Region

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 <u>13-2209</u>		
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	<u>126 acres</u>	<u>See maps attached Highlighted & Warranty Deed Survey</u>
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)

Estelita Aron

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 gfc Date 11-23-04 Fee \$100 -
 Receipted by gfc Date 11-23-04 Receipt No. E030434
 Processed by _____ AJ Date _____ WR _____ Date _____

WARRANTY DEED

For Value Received **Sidney Lee Schvaneveldt and Charlotte Olsen^{CS} Schvaneveldt**, husband and wife

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

Clinton K. Aston and Estelita Aston, husband and wife

whose address is: **192 East Depot Street, Weston, ID 83286**

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

See Attached

Recorded at the request of

First Am. Title

9:45 a.m. JUL 29 2004 p.m.

V. ELLIOTT LARSEN, RECORDER

By Ruth K. Rawlings Deputy

FRANKLIN COUNTY, IDAHO

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: 7-28-04

Sidney Lee Schvaneveldt
Sidney Lee Schvaneveldt

Charlotte Olsen Schvaneveldt
Charlotte Olsen Schvaneveldt

STATE OF Idaho

),ss.

COUNTY OF FRANKLIN

On this, before me Karen Rawlings, personally appeared Sidney Lee Schvaneveldt and Charlotte Olsen Schvaneveldt, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

Karen Rawlings
Notary Public of Idaho

Residing at: Preston, Idaho

Commission Expires: 12/18/09

KAREN RAWLINGS
NOTARY PUBLIC
STATE OF IDAHO

A parcel of land located in the Northeast quarter of Section 8, Township 16 South, Range 38 East, Boise Meridian, Franklin County, Idaho, and more particularly described as follows: Commencing at the North quarter corner of said Section 8, from which the Northeast corner of Section 8 bears South 89° 48' 08" East; Thence South 00° 07' 56" East 319.00 feet along the west boundary of the Northeast quarter of Section 8 to a 5/8" rebar and cap labeled "ALLEN LAND SURVEYING, PLS 9163" at a fence corner, the Point of Beginning. Thence South 89° 58' 21" East 326.07 feet to a 5/8" rebar and cap (PLS 9163) at the southwest corner of the parcel of land described in instrument number 212745, as recorded in the official records of Franklin County; Thence North 89° 58' 08" East 603.99 feet along the south boundary of said parcel to a 5/8" rebar and cap (PLS 9161) at the southeast corner thereof; Thence North 89° 13' 22" East 287.27 feet to a 5/8" rebar and cap at the southwesterly right of way line of the county road; Thence along said right of way line the following four (4) courses:

Thence South 66° 29' 53" East 31.92 feet to the beginning of a 340.00 foot radius curve concave to the Southwest;

Thence Southeasterly along said curve through a central angle of 41° 11' 59" a distance of 244.48 feet to the point of tangency (chord= South 45° 53' 54" East 239.25 feet);

Thence South 25° 17' 54" East 112.70 feet to a 5/8" rebar and cap;

Thence South 24° 09' 43" East 341.44 feet to a 5/8" rebar and cap (LS 4735);

Thence South 00° 47' 01" West 1396.71 feet to the centerline of Weston Creek; Thence North 62° 58' 26" West 1778.72 feet along the centerline of Weston Creek to the west boundary of the Northeast quarter of Section 8; Thence North 00° 07' 56" West 1176.92 feet along said west boundary to the Point of Beginning.

Together with a 33.00 foot wide ingress/egress easement described as follows: Beginning at the North quarter corner of said Section 8, from which the Northeast corner of Section 8 bears South 89° 48' 08" East; Thence South 00° 07' 56" East 319.00 feet along the west boundary of the Northeast quarter of Section 8 to a 5/8" rebar and cap labeled "ALLEN LAND SURVEYING, PLS 9163" at a fence corner; Thence South 89° 58' 21" East 33.00 feet; Thence North 00° 07' 56" West 318.91 feet to the north boundary of the Northeast quarter of Section 8; Thence North 89° 48' 08" West 33.00 feet along said north boundary to the Point of Beginning.

ALSO,

A parcel of land located in Sections 8 and 9, Township 16 South, Range 38 East, Boise Meridian, Franklin County, Idaho and further described as follows:

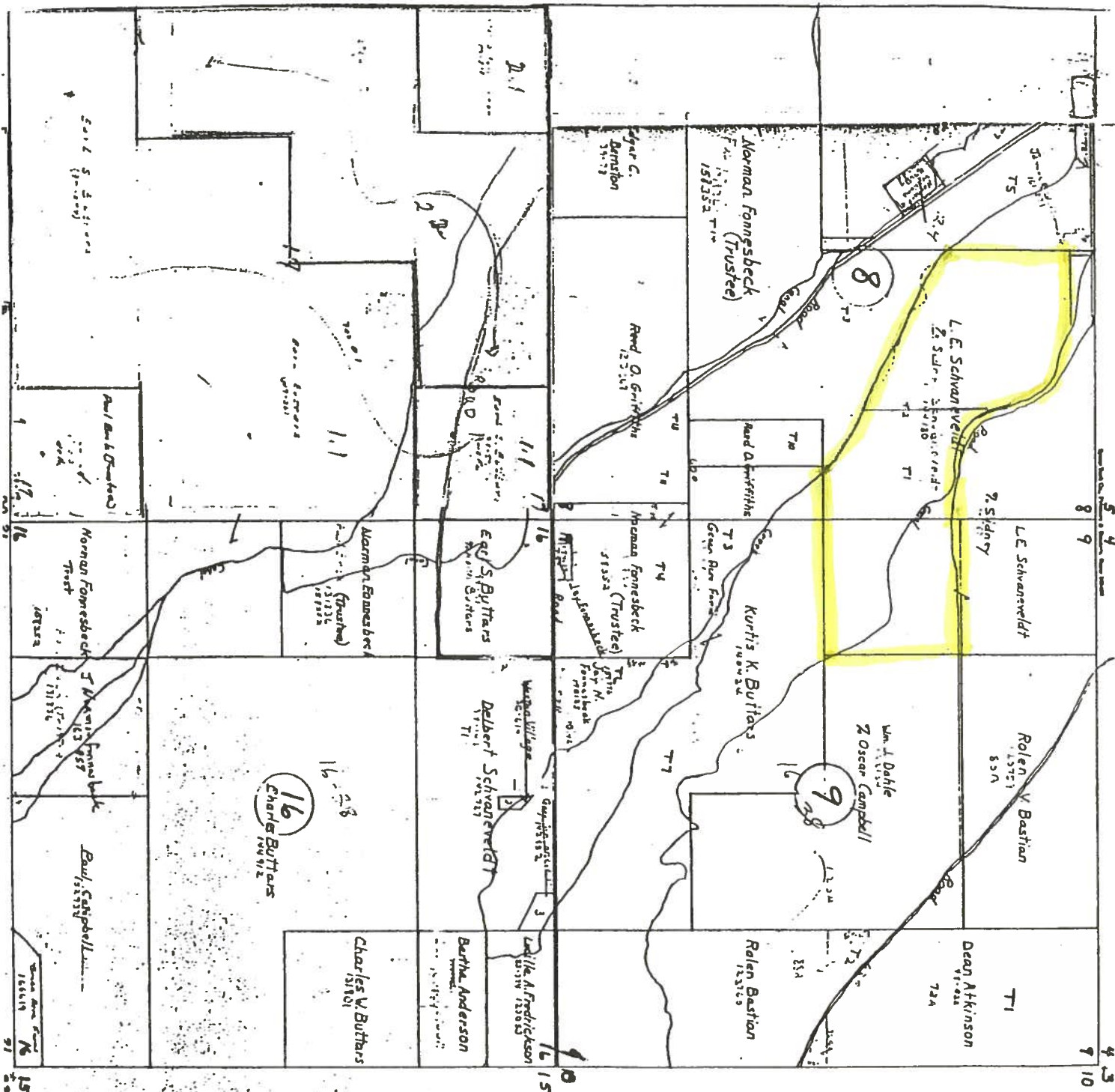
Beginning at the West Quarter corner of said Section 9 which is a 5/8" rebar with cap labeled "A.A. HUDSON, PLS 4735" set on an East-West fence line, said corner being North 00°04'52" East 2684.55 feet (North 2640.00 feet by record) from the Southwest corner of said Section 9; thence North 89°24'36" West 465.44 feet along said fence line to a 5/8" rebar with cap set at the top of bank on Weston Creek; thence along said Creek bank through the following courses:

North 50°29'25" West 189.67 feet to a 5/8" rebar with cap;

North 54°12'03" West 80.46 feet to a point to a 5/8" rebar with cap;

North 63°01'12" West 428.57 feet to a point to a 5/8" rebar with cap; thence North 00°50'00" East 1388.71 feet to a 5/8" rebar with cap set on the Southerly right of way line of a county road; thence South 24°32'43" East 229.00 feet to the beginning of a 294.07 foot radius curve concave to the Northeast; thence Southeasterly along said curve through a central angle of 57°32'28" a distance of 295.33 feet to the point of tangency (Chord = South 53°18'57" East 283.08 feet);

thence South 82°05'11" East 196.20 feet to the beginning of a 711.58 foot radius curve concave to the Southwest; thence Southeasterly along said curve through a central angle of 04°37'59" a distance of 57.54 feet to the point of tangency (Chord = South 79°46'12" East 57.53 feet); thence South 77°27'12" East 208.09 feet to the beginning of a 930.64 foot radius curve concave to the Northeast; thence Southeasterly along said curve through a central angle of 13°55'36" a distance of 226.21 feet to the point of tangency (Chord = South 84°25'00" East 225.65 feet); thence North 88°37'12" East 1349.21 feet to a 5/8" rebar with cap set on a fence line; thence South 00°05'27" East 1319.74 feet along said fence line to a 5/8" rebar with cap set at a fence corner; thence North 89°24'36" West 1313.03 feet; thence North 89° 24' 36" West 465.44 feet along said fence line to the TRUE POINT OF BEGINNING.



location of boundaries. It is not a part of, nor does it modify the commitment or policy to which it is attached. First American Title Company assumes NO LIABILITY for any matter related to this sketch. Reference should be made to an accurate survey for further information.

Page 1 of 3

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

11/16/2004

WATER RIGHT NO. 13-2209

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MYRON FONNESBECK WESTON, ID 83286
Current Owner	VEREEN BINGHAM 2388 S HWY 36 WESTON, ID 83286 (208)747-3213
Current Owner	NORMAN FONNESBECK 255 E 2 S WESTON, ID 83286
Current Owner	STERLING BINGHAM
Current Owner	LEE SCHVANEVELDT 46 S 2 E WESTON, ID 83286 (208)747-3255
Original Owner	LLOYD A BINGHAM RT 1 BOX 21 MOORE, ID 83255 (208)554-3203

→ Sid Schmeveldt (son)

Priority Date: 06/13/1960

Basis: License

Status: Active

<u>Source</u> GROUND WATER	<u>Tributary</u>
-------------------------------	------------------

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	/	/	2.87 CFS	
DOMESTIC	/	/		
Total Diversion			2.87 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENE	Sec. 36	Township 15S	Range 37E	FRANKLIN County
--------------	------	---------	--------------	-----------	-----------------

Place(s) of use:

Place of Use Legal Description: IRRIGATION FRANKLIN County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
15S	37E	36		NENE	4									
	38E	31		SWNW	37		SENE	12						
				NWSW	6									
16S		8		NENE	4		NWNE	36		SWNE	39		SENE	38
				NESE	10		NWSE	14						
		9		SWSW	39									
		10		NWSE	39		SWSE	40		SESE	40			
		11		SWSW	11									
		16		SWNW	34									

Place of Use Legal Description: DOMESTIC same as IRRIGATION

Total Acres: 403

Remarks:

1.	General	LIC. INCORRECTLY SHOWS 406 ACRES.
----	---------	-----------------------------------

Dates:

Licensed Date: 11/16/1966

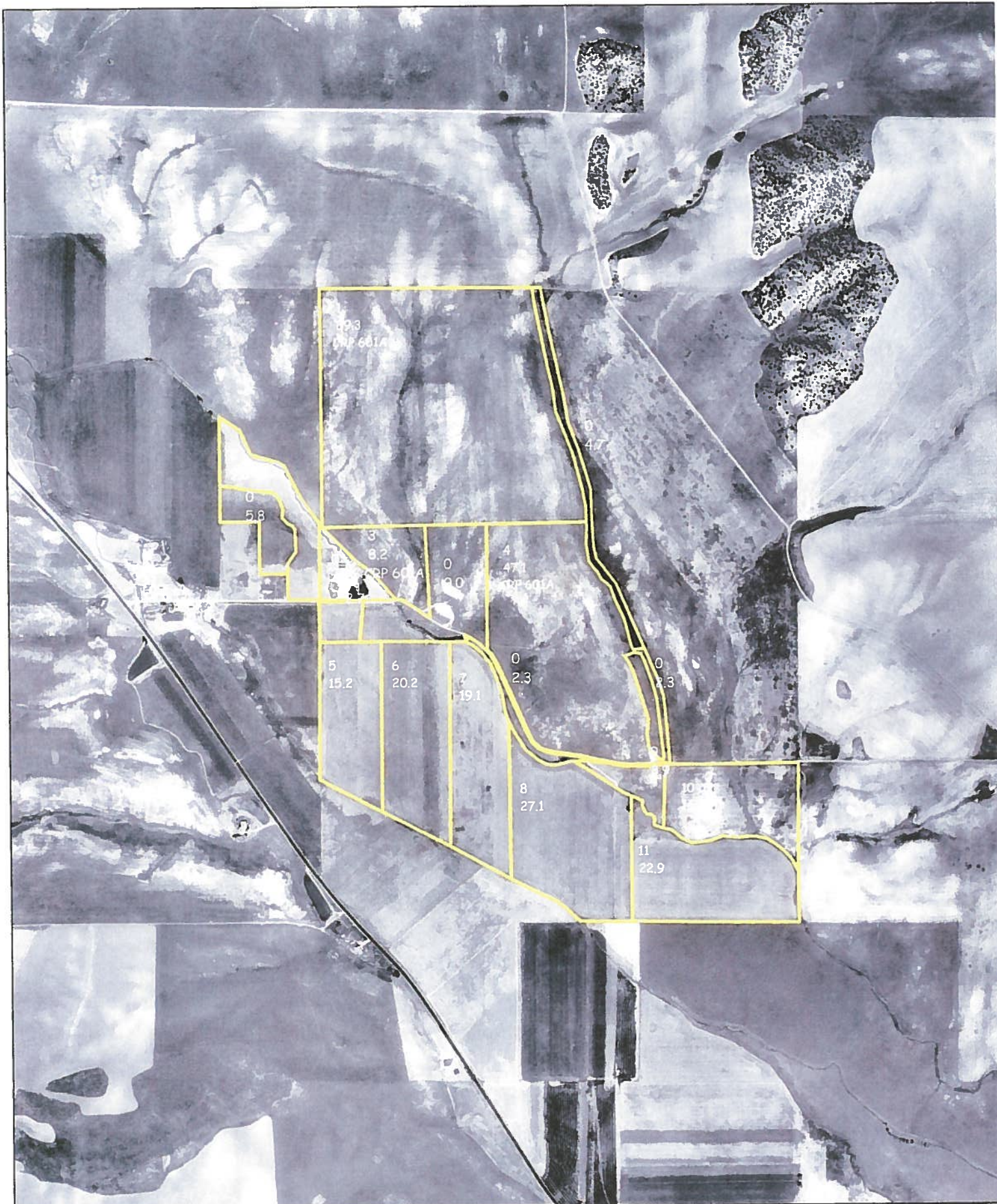
Decreed Date:

Permit Proof Due Date:

Permit Proof Made Date:
Permit Approved Date:
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close



Tract 17924
Farm 2182

0 1 0 0 1 0 2 0 3 0 4 Miles



Nov 17, 2004

Idaho Division of Water Rights
900 N Skyline Dr. Suite A
Idaho Falls, Id 83402-1718

To Whom it May Concern,

Enclosed is the documentation needed to change over ownership on water right # 13-2209. I purchased the property July 28, 2004 from Sid Schvaneveldt, the son of Lee Schvaneveldt, they had never changed the name on the water right. I have included the survey and deed, and maps requested, the water right has been used on this property over the past thirty years.

If you could please let me know when the name change has been completed, or at least a time frame on how long this process takes. Thanks.


Clinton Aston

P.O. Box 35
Weston, Id 83286

RECEIVED
NOV 22 2004
Department of Water Resources
Eastern Region

Franklin County Assessor Office
51 West Oneida
Preston, Idaho 83263
208-852-1091
fax: 208-852-1096

Date: Oct 6 2009

Attention: Jonie

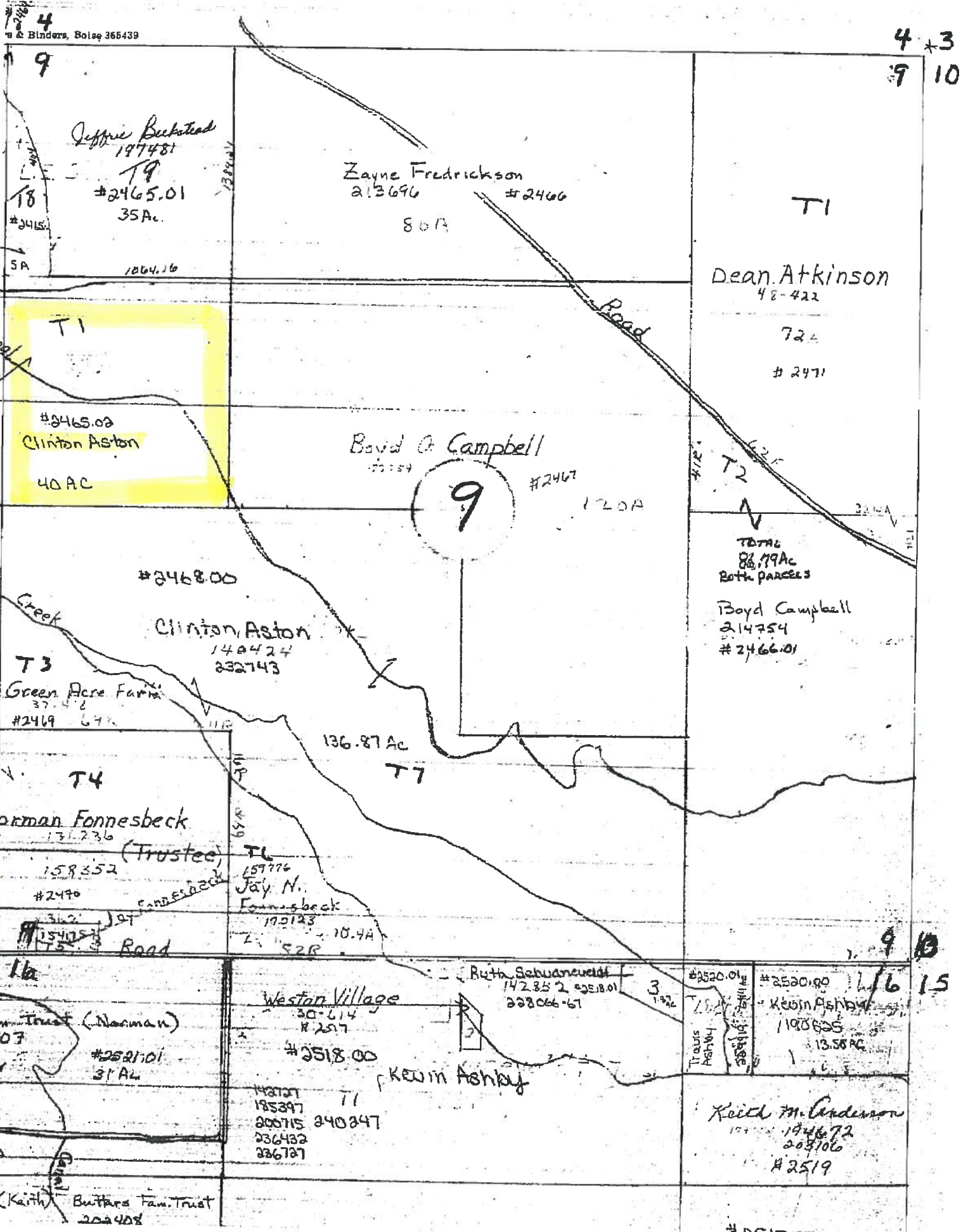
Fax#: 1-208-525-7177

From: Denise

Total Number of Pages (including cover sheet) 3

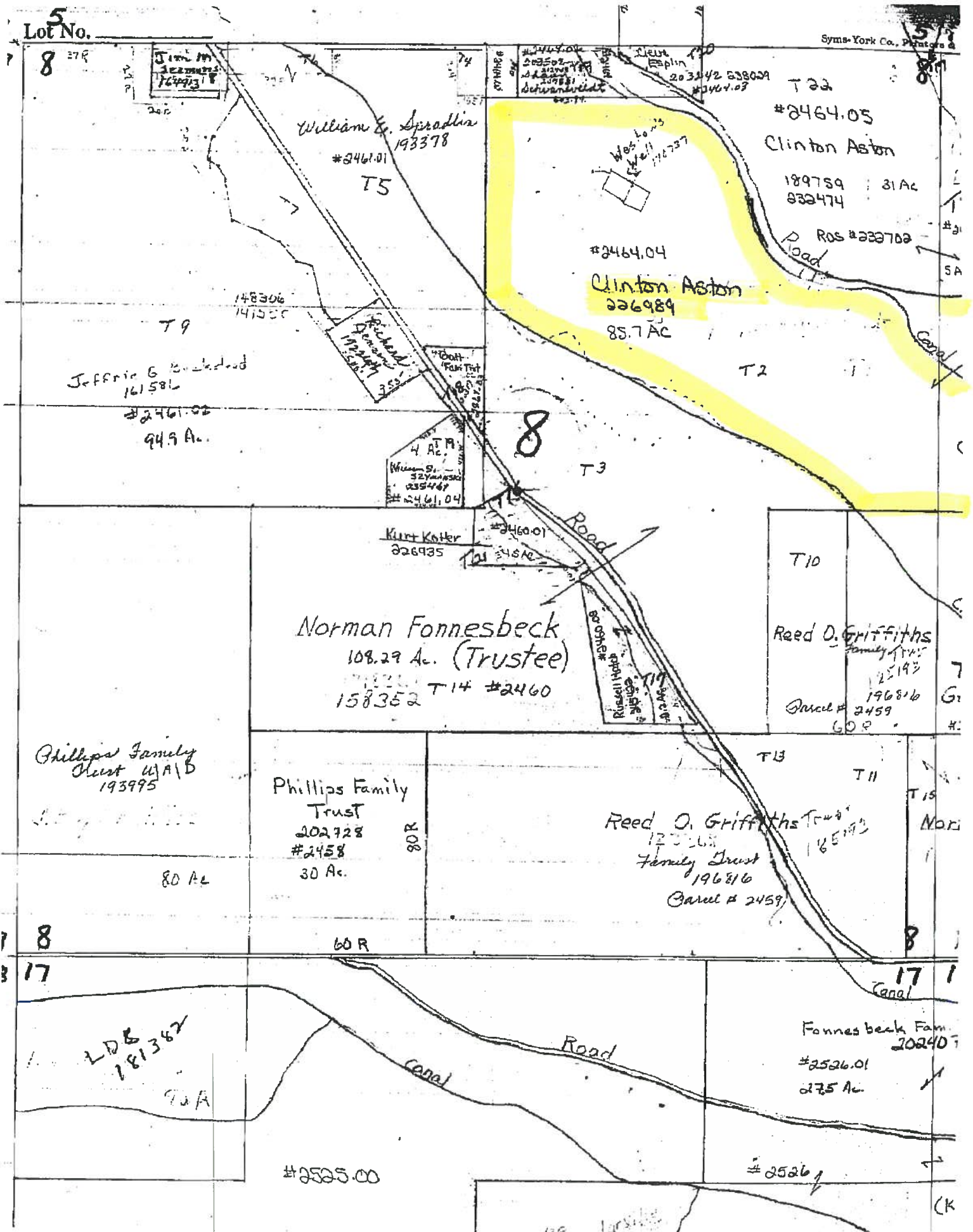
If problems with transmission, please call the above number.

Plot of section 8 & 9



Lot No.

Syms-York Co., Plotters &



Change of Ownership
Warranty Deed 226989

Transfer 70722
Warranty Deed 150104

Title:

Date: 10-06-2009

Scale: 1 inch = 2000 feet

File: 13-2209.des

Tract 1: 40.000 Acres: 1742400 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 5280 Feet
Tract 2: 80.000 Acres: 3484800 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 7920 Feet
Tract 3: 40.000 Acres: 1742400 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 5280 Feet
Tract 4: 0.561 Acres: 24420 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 1394 Feet
Tract 5: 56.042 Acres: 2441169 Sq Feet: Closure = n07.2446e 0.00 Feet: Precision >1/999999: Perimeter = 6300 Feet
Tract 6: 0.242 Acres: 10525 Sq Feet: Closure = s02.5024w 0.01 Feet: Precision =1/87086: Perimeter = 704 Feet
Tract 7: 77.188 Acres: 3362325 Sq Feet: Closure = s89.2441e 465.44 Feet: Precision =1/18: Perimeter = 8213 Feet

001=/SE,SE,SE,10,16S,38E
002=/N00E 1320.00
003=/N90W 0.00
004=S00W 1320.00
005=N90W 1320.00
006=N00E 1320.00
007=N90E 1320.00
008=@0 w,se,10,16s,38e
009=/SE,SE,SE,10,16S,38E
010=/N00E 2640.00
011=/N90W 1320.00
012=S00W 2640.00
013=N90W 1320.00
014=N00E 2640.00
015=N90E 1320.00
016=@0 sw,sw,11,16s,38e
017=/SE,SE,SE,11,16S,38E
018=/N00E 1320.00
019=/N90W 3960.00
020=S00W 1320.00
021=N90W 1320.00
022=N00E 1320.00
023=N90E 1320.00

024=@0
025=/nw,nw,14,16s,38e
026=/n90e 587
027=n90e 660
028=s00e 37
029=n90w 660
030=n00e 37
031=@0
032=/ne,nw,8,16s,38e
033=/s00.0756e 319.00
034=s89.5821e 326.07
035=n89.5808e 603.99
036=n89.1322e 287.27
037=s66.2953e 31.92
038: Lt, R=340.00, Arc=244.48, Delta=41.1159
Bng=s45.5354e, Chd=239.25
039=s25.1754e 112.70
040=s24.0943e 341.44
041=s00.4701w 1396.71
042=n62.5826w 1778.72
043=n00.0756w 1176.92
044=@0
045=/ne,nw,8,16s,38e
046=s00.0756e 319.00

047=s89.5821e 33.00
048=n00.0756w 318.91
049=n89.4808w 33.00
050=@0
051=/nw,sw,9,16s,38e
052=n89.2436w 465.44
053=n50.2925w 189.67
054=n54.1203w 80.46
055=n63.0112w 428.57
056=n00.5000e 1388.71
057=s24.3243e 229.00
058: Lt, R=294.07, Arc=295.33, Delta=57.3238
Bng=s53.1857e, Chd=283.08
059=s82.0511e 196.20
060: Lt, R=711.58, Arc=57.54, Delta=04.3759
Bng=s79.4612e, Chd=57.53
061=s77.2712e 208.09
062: Lt, R=930.64, Arc=226.21, Delta=13.5536
Bng=s84.2500e, Chd=225.65
063=n88.3712e 1349.21
064=s00.0527e 1319.74
065=n89.2436w 1313.03
066=n89.2436w 465.44

Change of Ownership Warranty Deed 226989

Transfer 70722
Warranty Deed 150104

Title:			Date: 10-06-2009
Scale: 1 inch = 2000 feet	File: 13-2209.des		
Tract 1: 40.000 Acres: 1742400 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 5280 Feet			
Tract 2: 80.000 Acres: 3484800 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 7920 Feet			
Tract 3: 40.000 Acres: 1742400 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 5280 Feet			
Tract 4: 0.561 Acres: 24420 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 1394 Feet			
Tract 5: 56.042 Acres: 2441169 Sq Feet: Closure = n07.2446e 0.00 Feet: Precision >1/999999: Perimeter = 6300 Feet			
Tract 6: 0.242 Acres: 10525 Sq Feet: Closure = s02.5024w 0.01 Feet: Precision = 1/87086: Perimeter = 704 Feet			
Tract 7: 77.188 Acres: 3362325 Sq Feet: Closure = s89.2441e 465.44 Feet: Precision = 1/18: Perimeter = 8213 Feet			
001=SE,SE,SE,10,16S,38E	024=@0	047=s89.5821e 33.00	
002=N00E 1320.00	025=nw,nw,14,16s,38e	048=n00.0756w 318.91	
003=N90W 0.00	026=n90e 587	049=n89.4808w 33.00	
004=S00W 1320.00	027=n90e 660	050=@0	
005=N90W 1320.00	028=s00e 37	051=nw,sw,9,16s,38e	
006=N00E 1320.00	029=n90w 660	052=n89.2436w 465.44	
007=N90E 1320.00	030=n00e 37	053=n50.2925w 189.67	
008=@0 w,se,10,16s,38e	031=@0	054=n54.1203w 80.46	
009=SE,SE,SE,10,16S,38E	032=ne,nw,8,16s,38e	055=n63.0112w 428.57	
010=N00E 2640.00	033=s00.0756e 319.00	056=n00.5000e 1388.71	
011=N90W 1320.00	034=s89.5821e 326.07	057=s24.3243e 229.00	
012=S00W 2640.00	035=n89.5808e 603.99	058: Lt, R=294.07, Arc=295.33, Delta=57.3238 Bng=s53.1857e, Chd=283.08	
013=N90W 1320.00	036=n89.1322e 287.27	059=s82.0511e 196.20	
014=N00E 2640.00	037=s66.2953e 31.92	060: Lt, R=711.58, Arc=57.54, Delta=04.3759 Bng=s79.4612e, Chd=57.53	
015=N90E 1320.00	038: Lt, R=340.00, Arc=244.48, Delta=41.1159 Bng=s45.5354e, Chd=239.25	061=s77.2712e 208.09	
016=@0 sw,sw,11,16s,38e	039=s25.1754e 112.70	062: Lt, R=930.64, Arc=226.21, Delta=13.5536 Bng=s84.2500e, Chd=225.65	
017=SE,SE,SE,11,16S,38E	040=s24.0943e 341.44	063=n88.3712e 1349.21	
018=N00E 1320.00	041=s00.4701w 1396.71	064=s00.0527e 1319.74	
019=N90W 3960.00	042=n62.5826w 1778.72	065=n89.2436w 1313.03	
020=S00W 1320.00	043=n00.0756w 1176.92	066=n89.2436w 465.44	
021=N90W 1320.00	044=@0		
022=N00E 1320.00	045=ne,nw,8,16s,38e		
023=N90E 1320.00	046=s00.0756e 319.00		

Access Easements

Ownership Change
legal

Transfer
legal