



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

December 10, 2010

DAVE & KATHY RAINWATER
477 HILL RD
WEISER ID 83672

RE: Notice of Change in Water Right Ownership

Dear Mr. & Mrs. Rainwater:

Our letter of March 27, 2006, (copy enclosed) requesting that you contact the Department regarding of the status of the change in water right ownership, remains unanswered. Therefore, I am returning the Notice of Change in Water Right Ownership. Copies of your request information will be kept in our files for reference.

If, at a later date, you wish to reinstate this request, please resubmit the request with deed that cover the remaining portions of the water right or the additional \$75 fee to divide the water right and we will be happy to complete the request for you.

Please feel free to contact the Department if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Emalee Rushing".

Emalee Rushing
Office Services Supervisor

Enclosure

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

RECEIVED

SEP 08 2004

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

WATER RESOURCES
WESTERN REGION

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
67-7923					

RECEIVED
 SEP 10 2004
 DEPARTMENT OF
 WATER RESOURCES

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)

4. New Owner/Claimant(s)

David + Kathy Rainwater

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

New Mailing Address

477 Hill Rd

City, State and ZIP Code

Weiser Id 83672

New Telephone Number

(208) 549-3112

5. Date you acquired the property

Oct 1st, 1999

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		
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		

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) *Dan R. Rainwater*
(include title if applicable) *Kathy Rainwater*

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 D. Buffington Date 9/8/04 Fee \$25.00
 Received by _____ Date _____ Receipt No. W032016
 Processed by _____ AJ Date _____ WR _____ Date _____

**WEISER VALLEY TITLE, INC.
ESCROW CLOSING INSTRUCTIONS
ESCROW NUMBER: 99-0268**

BUYER: DAVE RAINWATER AND KATHY RAINWATER, husband and wife

SELLER: FRED KOEPPEN AND DELICE KOEPPEN, husband and wife

PROPERTY: 8.26 ACRES ON HILL ROAD, WEISER, ID 83672

1. **PLEASE CLOSE THIS TRANSACTION BASED ON THE FOLLOWING INFORMATION:
TOTAL PURCHASE PRICE: \$52,000.00 EARNEST MONEY: \$1,000.00 GIVEN TO: WEISER
VALLEY TITLE, INC.**
2. **ORDER TITLE INSURANCE FROM WEISER VALLEY TITLE WITH THE OWNER'S POLICY
AMOUNT TO BE \$52,000.00 WHICH WILL BE PAID FOR BY THE SELLER. THE LENDER'S
TITLE INSURANCE POLICY IN THE AMOUNT OF \$_____ WILL BE PAID FOR
BY THE BUYER.**
3. **ORDER WARRANTY DEED**
4. **SPECIAL INSTRUCTIONS INCLUDE: CONTINGENT UPON BUYER OBTAINING
FINANCING AND A BUILDING PERMIT. BUYER TO PAY ALL LENDER'S FEES.
IRRIGATION WELL & 2 PUMPS AND A 30 X 50 SHED ARE INCLUDED IN THE SALE.**
5. **PRORATE TAXES BASED ON ESTIMATED 1999 PROPERTY TAXES. PRORATION DATE
IS 10/01/99. ALL PRORATIONS HAVE BEEN FIGURED ON INFORMATION OBTAINED
FROM THE WASHINGTON COUNTY TREASURER REGARDING THE PRESENCE OR
ABSENCE OF A HOMEOWNER'S EXEMPTION.**

**BUYER WILL NEED TO GO TO THE WASHINGTON COUNTY TAX ASSESSOR'S TO APPLY FOR
THE HOMEOWNER'S EXEMPTION, IF THIS IS TO BE THEIR PRIMARY RESIDENCE.**

6. **IS THIS PROPERTY RENTED AT THE CURRENT TIME? NO.**
7. **IRRIGATION COMPANY IS: LOWER PAYETTE DITCH CO. ARE THERE SHARE
CERTIFICATES TO BE TRANSFERRED TO THE BUYER? NO. BUYER TO PURCHASE
SHARES FROM LOWER PAYETTE DITCH CO. IF THEY WANT ANY.**
8. **WEISER VALLEY TITLE, INC. CLOSING FEE TO BE SPLIT EQUALLY BETWEEN BUYER
AND SELLER.**

BUYER AND SELLER ARE RESPONSIBLE TO CHANGE THE BILLINGS AT THE CITY OFFICE AND POWER COMPANY. ANY DELINQUENCIES IN THE BILLS ARE THE RESPONSIBILITY OF THE SELLER.

WHEN ALL DOCUMENTS HAVE BEEN SIGNED AND YOU HAVE RECEIVED ALL NECESSARY FUNDS, YOU ARE AUTHORIZED TO RECORD THE NECESSARY INSTRUMENTS, HAVE THE TITLE POLICY ISSUED, AND DISBURSE THE FUNDS COLLECTED IN ACCORDANCE WITH THE CLOSING-SETTLEMENT STATEMENT.

THIS ESCROW MAY BE TERMINATED AND ALL PAPERS AND MONEY RETURNED TO BUYER AND SELLER ONLY UPON WRITTEN AUTHORIZATION TO YOU BY BOTH BUYER AND SELLER OR THEIR AUTHORIZED AGENTS. ANY EXPENSES INCURRED BY THE ESCROW AGENT PRIOR TO ACTUAL CLOSING MAY BE DEDUCTED PRIOR TO ACTUAL CANCELLATION AND TERMINATION. IF A CONTROVERSY ARISES BETWEEN THE PARTIES HERETO, OR WITH ANY THIRD PARTY, THE ESCROWHOLDER SHALL NOT BE REQUIRED TO ARBITRATE OR DETERMINE THE OUTCOME, BUT MAY HOLD FUNDS AND PAPERS UNTIL SUCH CONTROVERSY IS FULLY SETTLED AND THE ESCROW-CLOSING AGENT SHALL BE HELD HARMLESS FROM ANY DAMAGES OR INTEREST, ALL PARTIES AGREE TO REIMBURSE AND INDEMNIFY WEISER VALLEY TITLE, INC. FOR ALL ATTORNEY FEES, COURT COSTS, OR OTHER EXPENSES INCURRED AS A RESULT OF PROBLEM.

Dave Rainwater

BUYER: DAVE RAINWATER

Fred E. Koeppe

SELLER: FRED KOEPPEN

Kathy Rainwater

BUYER: KATHY RAINWATER

Delice S. Koeppe

SELLER: DELICE KOEPPEN

8508 Washoe Rd.

ADDRESS

ADDRESS

Payette, Ida 83661

DATE: Aug 23-99

EXHIBIT "A" CONTINUED

FILE NO.:100-01-8190

Thence N 28°19'46" W, a distance of 261.88 feet along the westerly right-of-way line of said Hill Road to a point on the north line of said S1/2NE1/4NW1/4;

Thence N 89°56'47" W, a distance of 294.31 feet along the north line of said S1/2NE1/4NW1/4 to the TRUE POINT OF BEGINNING.

SUBJECT TO AND TOGETHER WITH a 20.00 foot wide ingress-egress, utility, and irrigation easement within the S1/2NE1/4NW1/4 of Section 10, Township 10 North, Range 5 West, Boise Meridian, Washington County, Idaho, more particularly described as follows:

Beginning at the northwest corner of the S1/2NE1/4NW1/4 of Section 10, T.10N., R.5W., B.M.;

Thence S 89°56'47" E, a distance of 756.09 feet along the north line of said S1/2NE1/4NW1/4 to the TRUE POINT OF BEGINNING, which point is on the westerly right-of-way line of an existing County Road known as Hill Road;

Thence N 89°56'47" W, a distance of 294.31 feet along the north line of said S1/2NE1/4NW1/4 to a point on the easterly bank of the Second Extension Ditch;

Thence S 18°29'27" W, a distance of 134.46 feet along the easterly bank of said Second Extension Ditch;

Thence S 9°19'35" W, a distance of 38.84 feet along the easterly bank of said Second Extension Ditch;

Thence S 20°14'39" E, a distance of 20.00 feet along the easterly bank of said Second Extension Ditch;

Thence N 69°45'21" E, a distance of 20.00 feet;

Thence N 20°14'39" W, a distance of 14.72 feet;

Thence N 9°19'35" E, a distance of 31.96 feet;

Thence N 18°29'27" E, a distance of 118.45 feet;

Thence S 89°56'47" E, parallel to the north line of said S1/2NE1/4NW1/4, a distance of 290.70 feet to a point on the westerly right-of-way line of said Hill Road;

Thence N 28°19'46" W, a distance of 22.73 feet along the westerly right-of-way of said Hill road to the TRUE POINT OF BEGINNING.

EXHIBIT "A"

FILE NO.:100-01-8190

A parcel of land situated within the E1/2NW1/4 of Section 10, Township 10 North, Range 5 West, Boise Meridian, Washington County, Idaho, more particularly described as follows:

Beginning at the northwest corner of the S1/2NE1/4NW1/4 of Section 10, T.10N., R.5W., B.M.;

Thence S 89°56'47" E, a distance of 461.78 feet along the north line of said S1/2NE1/4NW1/4 to the TRUE POINT OF BEGINNING, which point is on the easterly bank of the Second Extension Ditch;

Thence S 18°29'27" W, a distance of 134.46 feet along the easterly bank of said Second Extension Ditch;

Thence S 9°19'35" W, a distance of 38.84 feet along the easterly bank of said Second Extension Ditch;

Thence S 20°14'39" E, a distance of 181.69 feet along the easterly bank of said Second Extension Ditch;

Thence S 25°46'04" E, a distance of 132.65 feet along the easterly bank of said Second Extension Ditch;

Thence S 8°13'29" E, a distance of 250.41 feet along the easterly bank of said Second Extension Ditch to a point within the SE1/4NW1/4 of said Section 10;

Thence S 15°51'47" E, a distance of 102.37 feet along the easterly bank of said Second Extension Ditch;

Thence S 23°21'08" E, a distance of 68.87 feet along the easterly bank of said Second Extension Ditch;

Thence S 58°08'07" E, a distance of 57.43 feet along the northeasterly bank of said Second Extension Ditch;

Thence N 87°52'04" E, a distance of 55.90 feet along the northerly bank of said Second Extension Ditch;

Thence N 67°26'45" E, a distance of 449.03 feet along the northerly bank of said Second Extension Ditch to a point on the westerly right-of-way line of an existing County Road known as Hill Road;

Thence N 29°09'13" W, a distance of 113.32 feet along the westerly right-of-way line of said Hill Road to a point within said S1/2NE1/4NW1/4;

Thence N 23°41'18" W, a distance of 204.70 feet along the westerly right-of-way line of said Hill Road;

Thence N 31°41'07" W, a distance of 239.85 feet along the westerly right-of-way line of Hill Road;

CONTINUED

**Facsimile Transmittal****AmeriTitle**

208-414-1792 (phone)

208-414-1794 (fax)

128 East Main Street

Weiser, Idaho 83672

Escrow # _____

67-7923

Date:

Mar. 4-05

Attention:

Kandice L. DeDermott

Fax #:

208-287-6700

Company:

Water Resources

From:

Dave Rainwater

Number of pages (including this cover):

3

Comment(s):

IF this is not what you
need please let us know
Dave Rainwater

208-549-3112

03-8965

WARRANTY DEED

190258

For Value Received, DAVE RAINWATER, aka DAVID RAINWATER, a married man as his sole and separate property

the grantor, does hereby grant, bargain, sell and convey unto
DAVID J. RAINWATER and KATHY L. RAINWATER, husband and wife

the grantees, whose current address is 477 Hill Road, Weiser, ID 83672

the following described premises, in Washington County, Idaho, to-wit:

SEE ATTACHED EXHIBIT 'A' MADE A PART HEREOF.

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that he is the owner in fee simple of said premises; that they are free from all encumbrances excepting for all easements of record, rights of way, matters visible, and all matters of record and title and that he will warrant and defend the same from all lawful claims whatsoever.

Date: June 26, 2003

David Rainwater
DAVE RAINWATER, aka DAVID RAINWATER

Instrument # 190258

WEISER, WASHINGTON, IDAHO

2003-07-08 03:29:08 No. of Pages: 3

Recorded for: AMERITITLE

SHARON WIDNER

Ex-Officio Recorder Deputy

Index to: DEED

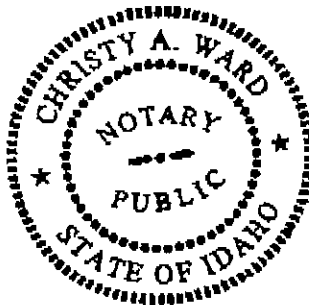
Fee: 9.00

STATE OF Idaho)
COUNTY OF Adams) ss

On this 26th day of June, in the year of 2003, before me, a Notary Public in and for said State, personally appeared

DAVE RAINWATER, aka DAVID RAINWATER

known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Christy A. Ward
Notary Public

Residing at: Indian Valley, Idaho

Commission expires: 9-17-07

190258

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CONTINUED