

RECEIVED

JAN 05 2010

WATER RESOURCES
WESTERN 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, 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
PD 7-12-07 A03-02050					

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) are 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) MARK A. PORT, JEANNE M. GETTLE AND MICHAEL N. GETTLE
1410 E. 9TH STREET, WEISER, IDAHO
4. New Owner/Claimant(s) CLARENCE E. HOWELL AND KAREN S. HOWELL
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address 28495 CR 340, BUENA VISTA, CO 81211
- City, State and ZIP Code BUENA VISTA CO, 81211
- New Telephone Number (719) 395-6856
5. Date you acquired the property 12/29/2009

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) *Marion S. Hunsley Karen S. Hunsley*
(include title if applicable)

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 <u><i>Jan</i></u>	Date <u>1-5-10</u>	Fee <u>25.00</u>
Receipted by <u><i>Jan</i></u>	Date <u>1-5-10</u>	Receipt No. <u>W038070</u>
Processed by <u><i>Jan</i></u> AJ	Date _____	WR <u><i>Jan</i></u> Date <u>1-6-10</u>



IDWD
Order No. 0014123

WARRANTY DEED

For Value Received,

Jeanne M. Gettle and Michael N. Gettle, wife and husband

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

Clarence E. Howell and Karen S. Howell, husband and wife

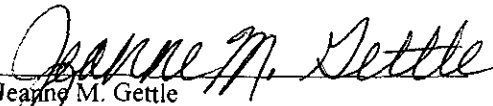
GRANTEE(s), whose address is: **28495 Cr. 340, Buena Vista, CO 81211**

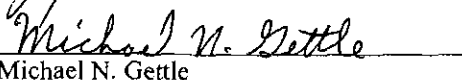
the following described real property in **WASHINGTON COUNTY, IDAHO** premises, to wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the premises with its 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 are the owners in fee simple of said premises that said premises are free from all encumbrances except the current year's taxes and assessments, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 29 day of December, 2009.

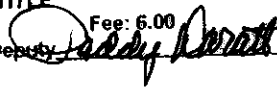

Jeanne M. Gettle


Michael N. Gettle

Instrument # 214043

STATE OF IDAHO, COUNTY OF WASHINGTON
12-29-2009 03:47:00 No. of Pages: 2

Recorded for : AMERITITLE
BETTY J THOMAS

Ex-Officio Recorder Deputy  Fee: 6.00

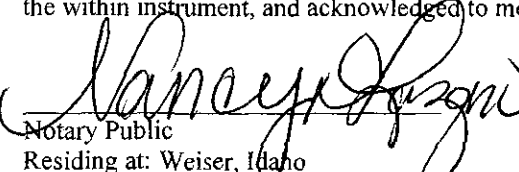
Index to: DEED

State of Idaho)

ss

County of Washington)

On this 29 day of December, 2009 before me a notary public in and for said State, personally appeared Jeanne M. Gettle and Michael N. Gettle 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: Weiser, Idaho
Commission Expires: 10/03/13

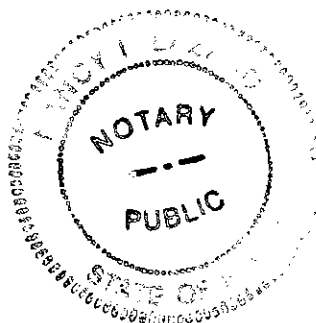


EXHIBIT A

A parcel of land situated within Government Lot 2 of Section 34, Township 11 North, Range 6 West, Boise Meridian, Washington County, Idaho, more particularly described as follows:

Beginning at the Center of Section 34, T.11N., R.6W., B.M.;

Thence S 0°14'07" E, a distance of 128.31 feet along the west line of Government Lot 2 of said Section 34 to the TRUE POINT OF BEGINNING;

Thence N 0°14'07" W, a distance of 915.68 feet along the west line of Government Lot 2 of said Section 34 to a point, which point is South 1852.63 feet from the N¼ corner of said Section 34;

Thence N 89°50'56" E, parallel to the north line of said Government Lot 2 of said Section 34, a distance of 940.50 feet to a point;

Thence S 0°14'07" E, parallel to the west line of said Government Lot 2 of said Section 34, a distance of 479.64 feet to a point on the northwesterly bank of the Snake River;

Thence Southwesterly along the northwesterly bank of the Snake River to a point which is N 89°45'53" E 599.64 feet from the true point of beginning;

Thence S 89°45'53" W, a distance of 599.64 feet to the TRUE POINT OF BEGINNING.





Order No. 0014123

WARRANTY DEED

For Value Received,

Mark A. Port, an unmarried person

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

Clarence E. Howell and Karen S. Howell, husband and wife

GRANTEE(s), whose address is: **28495 Cr. 340, Buena Vista, CO 81211**

the following described real property in **WASHINGTON COUNTY, IDAHO** premises , to wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the premises with its 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 are the owners in fee simple of said premises that said premises are free from all encumbrances except the current year's taxes and assessments, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 28 day of December, 2009.

Mark A. Port
Mark A. Port

Instrument # 214044

STATE OF IDAHO, COUNTY OF WASHINGTON

12-29-2009 03:47:00 No. of Pages: 3

Recorded for : AMERITITLE

BETTY J THOMAS

Ex-Officio Recorder Deputy

Index to: DEED

Fee: 9.00

Taddy Dorath

State of _____)

ss

County of _____)

On this _____ day of December, 2009 before me a notary public in and for said State, personally appeared Mark A. Port known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Notary Public

Residing at: _____

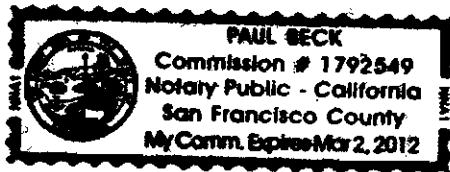
Commission Expires: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Francisco }

On 12/28/2009 before me, Paul Beck - Notary Public
Date Here Insert Name and Title of the Officer
 personally appeared Mark A. Port
Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature

Paul Beck

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached DocumentTitle or Type of Document: Warranty Deed (Order No. 0014123)Document Date: 12/28/2009 ✓ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)Signer's Name: Mark A. Port☒ Individual☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Attorney in Fact☐ Trustee☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

**RIGHT THUMBPRINT
OF SIGNER**
Top of thumb here

Signer's Name: _____

☐ Individual☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Attorney in Fact☐ Trustee☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

**RIGHT THUMBPRINT
OF SIGNER**
Top of thumb here

EXHIBIT A

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Thence S 89°45'53" W, a distance of 599.64 feet to the TRUE POINT OF BEGINNING.



N 89° 50' 56" E
940.50'

479.64'

GOVT. LOT 2

POINT ON LINE

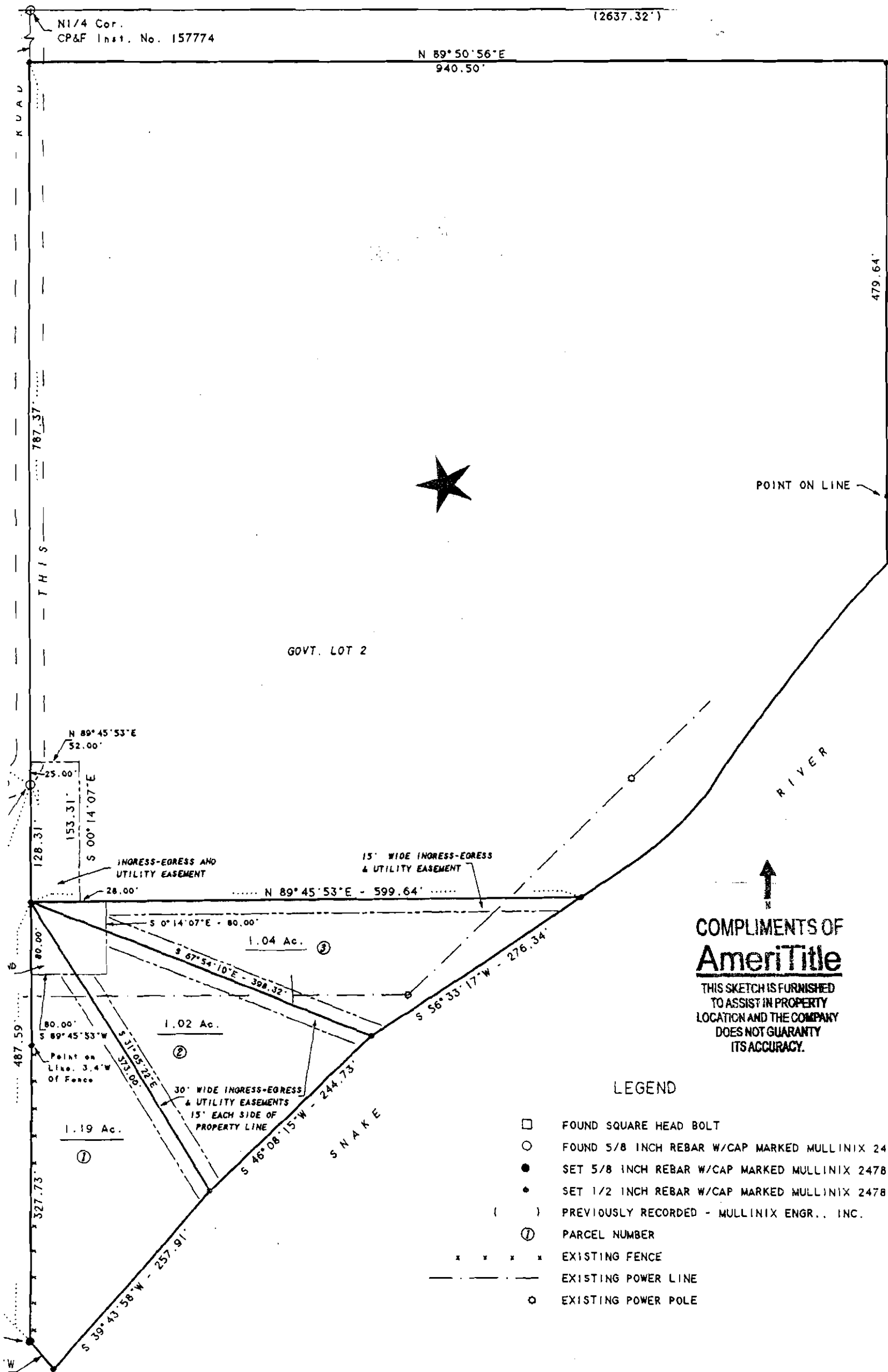
RIVER

COMPLIMENTS OF
AmeriTitle

THIS SKETCH IS FURNISHED
TO ASSIST IN PROPERTY
LOCATION AND THE COMPANY
DOES NOT GUARANTY
ITS ACCURACY.

LEGEND

- FOUND SQUARE HEAD BOLT
- FOUND 5/8 INCH REBAR W/CAP MARKED MULLINIX 24
- SET 5/8 INCH REBAR W/CAP MARKED MULLINIX 2478
- SET 1/2 INCH REBAR W/CAP MARKED MULLINIX 2478
- () PREVIOUSLY RECORDED - MULLINIX ENGR., INC.
- ① PARCEL NUMBER
- x x x x EXISTING FENCE
- - - - - EXISTING POWER LINE
- EXISTING POWER POLE



WARRANTY DEED

For Value Received

B.Y. ENTERPRISES, an Idaho partnership

does hereby GRANT, BARGAIN, SELL AND CONVEY unto

MARK A. PORT, a unmarried person and JEANNE M. GETTLE, a married person as her sole and separate property

whose current address is 1410 EAST 9TH ST.
WEISER, ID 83672

the following described premises, to-wit:

IN WASHINGTON COUNTY, IDAHO:

SEE ATTACHED EXHIBIT "A"

Instrument # 194339

WEISER, WASHINGTON, IDAHO

2004-07-12 03:58:00 No. of Pages: 2

Recorded for : AMERITITLE

SHARON WIDNER

Ex-Officio Recorder Deputy

Index to: DEED

Fee: 6.00

Together with all water, water rights, ditches and ditch rights appurtenant thereto and in anywise belonging.

Subject to all valid outstanding reservations, easements, rights-of-way, restrictions, dedications, mineral leases, mineral reservations and mineral conveyances of record.

(The consideration paid for this conveyance was paid by an accommodator pursuant to an IRC 1031 tax deferred exchange.)

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said grantee/s heirs and assigns forever. And the said grantor/s do hereby covenant to and with the said grantee/s that he is /are the owner/s in fee simple of said premises; that they are free from all encumbrances, excepting reservations, easements, encumbrances, restrictions and rights of way appearing of record and/or existing and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: JULY 9, 2004

B.Y. ENTERPRISES

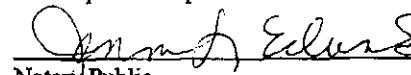
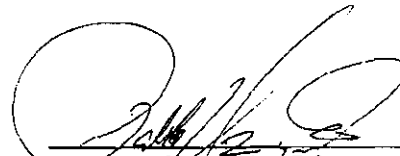
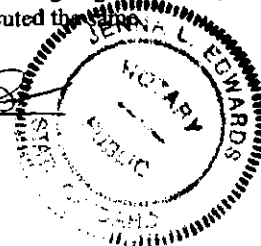


BY: RAY BURZOTA, Partner

STATE OF IDAHO, COUNTY OF WASHINGTON

On this 7th day of JULY, 2004, before me, a notary public in and for the said State, Personally appeared~~RAY BURZOTA AND~~ PABLO YZQUIERDO

Known or identified to me to be (one of) the partners in the partnership of B.Y. ENTERPRISES and the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said partnership name.


Notary Public
Residing at: WEISER, ID
Comm. Expires: 3/27/09

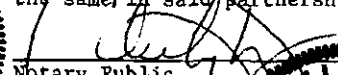
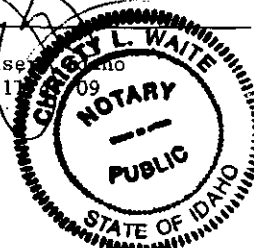
BY: PABLO YZQUIERDO, Partner

STATE OF IDAHO, COUNTY OF WASHINGTON

On this 9th day of July, 2004, before me, a notary public in and for said State, Personally appeared

RAY BURZOTA

known or identified to me to be one of the partners in the partnership of B.Y. ENTERPRISES and the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said partnership name.


Notary Public
Residing at: Weiser, Idaho
Comm. Expires: 11/09

File Number: W10631

EXHIBIT "A"

A parcel of land situated within Government Lot 2 of Section 34, Township 11 North, Range 6 West, Boise Meridian, Washington County, Idaho, more particularly described as follows:

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Thence N 0°14'07" W, a distance of 915.68 feet along the west line of Government Lot 2 of said Section 34 to a point, which point is South 1852.63 feet from the N¼ corner of said Section 34;

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Thence S 89°45'53" W, a distance of 599.64 feet to the TRUE POINT OF BEGINNING.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

September 18, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

B Y ENTERPRISES
RAY BURZOTA
PABLO YZQUIERDO
PO BOX 54
WEISER ID 83672

Re: Notice of Claim to a Water Right No. A03-02050

Dear Claimants:

Enclosed is a copy of the above referenced claim which reflects the change in ownership of the land and appurtenant water right(s) covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

Thank you for your patience and cooperation, as we have had several ownership changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB:db

Enclosure

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS**

**IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 39576

Ident. Number A03-02050
Date Received: 10/18/89
Receipt No: W006388
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s): **B Y ENTERPRISES** Phone: (208) 549-2378
PO BOX 54
WEISER ID USA 83672

RAY BURZOTA Phone: (208) 549-2378
PO BOX 54
WEISER ID USA 83672

PABLO YZQUIERDO Phone: (208) 549-2378
PO BOX 54
WEISER ID USA 83672

2. Date of Priority: 01/15/1962

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
11N	06W	34	SW NE	WASHINGTON

5. Description of diverting works:

PUMP AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.42	

7. Total Quantity Appropriated is:
0.42 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11N	06W	34	SW NE		IRRIGATION	16
			NW SE		IRRIGATION	5
					Section Acres	21
					Total Acres	21

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

OWNERSHIP CHANGED BY DB 9/18/2000.

15. Basis of Claim: License