

Rec

AUG -3 2001

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

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
<i>ur</i> 17 2038					

2. The following **REQUIRED** information must be submitted with this form:

SUPPORT DATA

- A. The appropriate **FILING FEE**. See instructions for fee amounts.

IN FILE # 17-2038

- 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)

M. Wayne Carter
23456 W. 8500 S. Stone, ID 83252

4. New Owner/Claimant(s)

Matthew D. and/or Deneice V. Tubbs
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address:

5745 W. 2500 N.

City, State and ZIP Code:

Malad, ID 83252

New Telephone Number:

(208) 7666-9228

5. Date you acquired the property:

5/21/01

RECEIVED

MAY 27 2009

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	Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
	<u>Irrigation</u>		
	Stock		
	Domestic		
	Other	Township 16 South	
	Total	Range 32 East, Boise Meridian	
		Section 10: N 1/2 W 1/2 NE 1/4	

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		

RIGHT
1 to item 7)

- I do not know how to break down the CFS, could you please figure that?

Thank you,
Deneice Tubbs

7. Signature of New Owner(s) or Claimant(s) _____
(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>J. Muri</u>	Date <u>8/3/01</u>	Fee <u>\$100.00</u>
Received by <u>J. Muri</u>	Date <u>8/3/01</u>	Receipt No. <u>1055312</u>
Processed by _____	AJ Date _____	WR _____ Date _____

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Department of Water Resources

State of Idaho
License and Certificate of Water Right

COPY

Water License No. G-27252

Amount 4.0 c.f.s.

Water District No.

Priority Feb. 4, 1958

THIS IS TO CERTIFY that WILLIAM R. MILLS and HAROLD A. PRATT of Stone, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated February 4, 1958; that Permit No. G-27252 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 4.0 second feet, was issued thereunder on August 11, 1964, showing that said works were completed on the 26th day of October, 1962; and that on the 26th day of October, 1962, WILLIAM R. MILLS and HAROLD A. PRATT

of Stone, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well

, a tributary of subterranean flow, for the purpose of irrigation

, under Use Permit No. G-27252 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

13 of Licenses at page 7937, on the 11th day of August, 1964;

The right hereby confirmed dates from February 4, 1958;

The Point of Diversion is located

in the SW 1/4 NE 1/4, Sec. 3, Tp. 16S, R. 32E, B. M. County Oneida

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 4.0 cubic feet per second.

Description and location of use:

Description and Location of Land					
Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
16S	32E.	3	SW $\frac{1}{4}$ NE $\frac{1}{4}$	13	10
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	39	40
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	36	40
		10	NW $\frac{1}{4}$ NE $\frac{1}{4}$	30	30
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	10	15
			E $\frac{1}{2}$ NW $\frac{1}{4}$	80	80
			Total number of acres to be irrigated		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

11th day of August, 1964.

s/ RALPH W. THOMAS

(deputy State Reclamation Engineer.

(SEAL)

WATER RIGHT # 17 2038

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Department of Water Resources

WARRANTY DEED

Microfilm No. 109058
1 Day File 19 85
At 4:00 O'clock P M
James W. Schneider
Oneida Co. Recorder
Fee \$ 6.00 Deputy
Recorded at Request of
E. J. Smith

THIS INDENTURE, Made this 1st day of September, 1971, between William R. Mills and Emma R. Mills, aka Emma Mills, his wife, of Stone, County of Oneida, State of Idaho, the parties of the first part, and Wayne Carter and Linda Carter, his wife, of Stone, County of Oneida, State of Idaho, the parties of the second part.

WITNESSETH:

That the said parties of the first part, for and in consideration of the sum of Seventy Thousand and no/100 Dollars (\$70,000.00) lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt of which is hereby acknowledged, have granted, bargained, and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in Stone, County of Oneida, State of Idaho, to-wit:

Parcel 1

Township 16 South, Range 32 East, Boise Meridian
Section 17:

$E\frac{1}{2}NE\frac{1}{4}$
 $NW\frac{1}{4}NE\frac{1}{4}$

Parcel 2

Township 16 South, Range 32 East, Boise Meridian
Section 10:

$W\frac{1}{2}NE\frac{1}{4}$
 $E\frac{1}{2}NW\frac{1}{4}$

Parcel 3

An undivided one-half interest in the well site situated 1680.4 feet South 70°58' West from the Northeast Corner of Section 3, Township 16 South, Range 32 East Boise Meridian, together with the necessary easement for ditch and pipe line to convey the water from said well site across the East half of Section 3, Township 16 South Range 32 East Boise Meridian to the Northwest quarter Northeast quarter of Section 10, Township 16 South, Range 32 East Boise Meridian.

Together with all water and water rights, ditches and ditch rights sused thereon or appertenant thereto including but not limited to 80 shares of the capital stock of the Delmore Canal Co., and 111 shares of the capital stock of the Curlew Irrigation Co., also including but not limited to, rights to ground waters produced from a well or wells located and to be located on the demised premises, especially such water under State of Idaho license and certificate of water right No. G-27252 by the State of Idaho Reclamation Engineer.

Together with all irrigation equipment of every kind and character. Subject to exception and reservations contained in patents from the United States of America, and subject to existing easements for roads, highways, ditches, canals, laterals and power transmission lines.

Subject as to Parcel 2 to interest of the State of Idaho as vestee of record and contract vendor in Idaho Land Sale Certificate #21772, dated February 18, 1946 in favor of William R. Mills, as purchaser.

Subject to mortgage executed by William R. Mills and Emma R. Mills, aka Emma Mills, his wife, to Farmers Home Administration, in original amount of \$14,200.00, recorded June 25, 1964, Book 23 of Mortgages, page 342, Instrument No. 83868.

Subject to mortgage executed by William R. Mills and Emma R. Mills, aka Emma Mills, his wife, to Farmers Home Administration in original amount of \$2,000.00, recorded August 12, 1966, Book 22 of Mortgages, page 215, Instrument No. 85649.

Subject to ditch easement across Section 10, Township 16 South, Range 32 East, Boise Meridian, executed by William Mills and Emma Mills, his wife, in favor of Rollin Jess Showell, recorded _____, 1971, in Book _____ Instrument No. _____.

Also, including the following machinery.

1 Oliver 770 Tractor	1 Oliver 14" 3 Bottom Plow
1 Evenman Ditcher	3 Section 5' Oliver Harrow
1 12' Massey Ferguson Spring-tooth	1 12' John Deere Weeder
1 New Holland Baler	1 New Holland Rake Side Del.
1 John Deere Mower #8	2 Wagons
1/3 interest in weed burner with Clyde Wren and Hersel Arbon	

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents,

income and profits thereof; and all estates, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said parties of the first part, and their heirs and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

William R. Mills
William R. Mills

Emma R. Mills
Emma R. Mills

STATE OF IDAHO)
:ss
County of Oneida)

On this 10th day of September, 1971, before me, J. H. Crowther, Notary Public, personally appeared William R. Mills and Emma R. Mills, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

J. H. Crowther
J. H. Crowther, Notary Public
Residing at: Malad City, Idaho

TRUSTEE'S DEED

For Value Received, DENEICE V. TUBBS and DENNIS J. CARTER, Trustees of the M. WAYNE CARTER LIVING TRUST dated February 24, 1999, hereby grant, convey and confirm unto DENEICE V. TUBBS and MATTHEW D. TUBBS, wife and husband, whose current address is 5745 West 2500 North, Malad City, Idaho, the Grantees, the following described premises in Oneida County, Idaho, to-wit:

**Township 16 South, Range 32 East, Boise Meridian:
Section 10: N½W½NE¼**

Together with a one-twelfth (1/12) interest in and to that certain deep irrigation well situated upon the premises now owned by Jesse Showell

SUBJECT to the right of Dennis J. Carter and Cody Carter to convey water from said irrigation well through the ditches thereon to their property immediately South of the above described premises.

Also together with grazing privileges with The Curlew Valley Horse and Cattle Association from 04-16 until 11-31 (7½ months) for 25 head of cattle.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever.

Dated May 17, 2001

M. WAYNE CARTER LIVING TRUST

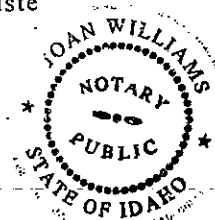
By Deneice V. Tubbs Trustee
DENEICE V. TUBBS

Dennis J. Carter Trustee
DENNIS J. CARTER

STATE OF IDAHO
COUNTY OF ONEIDA, ss

On this 21ST day of May, 2001, before me, a Notary Public in and for said State, personally appeared DENEICE V. TUBBS and DENNIS J. CARTER, known to me to be the Trustees of the M. WAYNE CARTER LIVING TRUST, and the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same as such Trustee.

Joan Williams
Notary Public
Residing at Malad City, Idaho
My Commission Expires 5-6-2003



Microfilm No 130914
21 Day May 2001
 At 4:55 O'clock P M
Shirley Blawie
 Oneida Co Recorder
 Fee \$ 3.00 Deputy
 Recorded at Request of E. R. Scott

TRUSTEE'S DEED

For Value Received, **DENEICE V. TUBBS** and **DENNIS J. CARTER**, Trustees of the **M. WAYNE CARTER LIVING TRUST** dated February 24, 1999, hereby grant, convey and confirm unto **DENEICE V. TUBBS** and **MATTHEW D. TUBBS**, wife and husband, whose current address is 5745 West 2500 North, Malad City, Idaho, the Grantees, the following described premises in Oneida County, Idaho, to-wit:

**Township 16 South, Range 32 East, Boise Meridian:
 Section 10: N $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$**

Together with a one-twelfth (1/12) interest in and to that certain deep irrigation well situated upon the premises now owned by Jesse Showell

SUBJECT to the right of Dennis J. Carter and Cody Carter to convey water from said irrigation well through the ditches thereon to their property immediately South of the above described premises.

Also together with grazing privileges with The Curlew Valley Horse and Cattle Association from 04-16 until 11-31 (7 $\frac{1}{2}$ months) for 25 head of cattle.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever.

Dated May 17, 2001

M. WAYNE CARTER LIVING TRUST

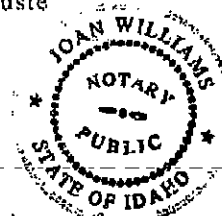
By Deneice V. Tubbs Trustee
DENEICE V. TUBBS

Dennis J. Carter Trustee
DENNIS J. CARTER

STATE OF IDAHO
 COUNTY OF ONEIDA, ss

On this 21st day of May, 2001, before me, a Notary Public in and for said State, personally appeared **DENEICE V. TUBBS** and **DENNIS J. CARTER**, known to me to be the Trustees of the **M. WAYNE CARTER LIVING TRUST**, and the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same as such Trustee.

Joan Williams
 Notary Public
 Residing at Malad City, Idaho
 My Commission Expires 5-6-2003



Idaho Department of Water Resources Receipt

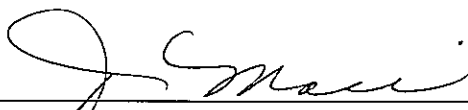
Receipt ID C055312

Payment Amount Date Received Region Status
Payment Type Check Number

Payer Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$100.00	OWNERSHIP CHANGES/SECURITY INTERESTS	0229	21	56140	1155



Signature Line (Dept. Representative)