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#46829

RECEIVED
SEP 17 2009
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.

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
<u>LC 45-7634</u>	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

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**.

Name and Address of Former Owner/Claimant(s)	<u>Duvien Heyne</u> <u>605 East 300 South</u> <u>Burley, ID 83318</u>
New Owner/Claimant(s)	<u>Chris Ekins and Ernestine Ekins</u> Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address	<u>563 West Highway 30</u>
City, State and ZIP Code	<u>Burley, ID 83318</u>
New Telephone Number	<u>(208) 312-3505 or 312-3504</u>
Date you acquired the property	<u>September 1, 2009</u>

5. Date you acquired the property

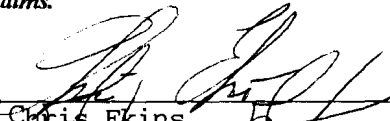
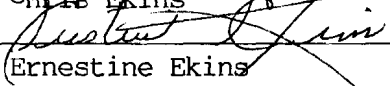
September 1, 2009

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)


Chris Ekins (title if applicable)

Ernestine Ekins (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 AK
 Received by AK
 Processed by AJ

Date 9-17-09
 Date 9-17-09
 Date _____

Receipt Amt. \$25
 Receipt No. 503102
 WR _____ Date _____

WARRANTY DEED

CASSIA COUNTY
RECORDED FOR:
LAND TITLE AND ESCROW
4:04:49 pm 09-14-2009
2009-004639
NO. PAGES: 3 FEE: \$9.00
LARRY A. MICKELSEN
COUNTY CLERK
DEPUTY: VIKI

#46829

For Value Received

Audrey Heyne, a widow

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

Chris Ekins and Ernestine Ekins, both unmarried

**Address: 563 West Highway 30
Burley, Idaho 83318**

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

Parcel No. 1:

TOWNSHIP 11 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

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

Beginning at the North $\frac{1}{4}$ corner of Section 8 said corner marked by a 5/8 inch rebar with a 3 inch Cassia County Survey cap on top; Thence South 00°36'41" East (S 00°45'20" E rec.) along the west line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ for a distance of 239.44 feet to a point which shall be the Point of Beginning;
Thence South 00°36'41" East for 333.75 feet;
Thence South 89°59'12" East for a distance of 320.81 feet to a $\frac{1}{2}$ inch rebar;
Thence North 00°36'41" West for 564.99 feet;
Thence North 88°31'23" West for 82.97 feet;
Thence South 00°14'23" East for 213.28 feet (212.46 feet rec.);
Thence South 89°55'12" West for 83.69 feet;
Thence South 02°20'48" East for 18.75 feet;
Thence South 89°33'58" West (South 89°25'19" West rec.) for 153.37 feet to the True Point of Beginning.

Parcel No. 2:

TOWNSHIP 11 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

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

Beginning at the North $\frac{1}{4}$ corner of Section 8 said corner marked by a 5/8 inch rebar with a 3" Cassia County Survey cap on top; Thence South 00°36'41" East (S 00°45'20" E rec.) along the west line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ for a distance of 844.75 feet to a point which shall be the Point of Beginning;
Thence South 89°59'12" East for 320.81 feet;
Thence South 00°36'41" East (S 00°45'20" East rec.) for 495.26 feet;
Thence North 89°59'12" West (South 89°52'14" West rec.) for 320.81 feet;
Thence North 00°36'41" West (North 00°45'20" West rec.) for 495.26 feet to the Point of Beginning.

Parcel No. 3:

A perpetual, non-exclusive Access Easement for the benefit of Parcel No. 2, more particularly described as follows:

Beginning at the north $\frac{1}{4}$ section corner of said Section 8 said corner marked by a 5/8 inch rebar; Thence South 00°36'41" West along the west line of the NE $\frac{1}{4}$ of Section 8 for a distance of 573.19 feet; Thence South 89°59'12" East for a distance of 17.53 feet to a $\frac{1}{2}$ inch rebar which shall be the Point of Beginning;
Thence South 89°59'12" East for a distance of 20.00 feet;
Thence South 00°55'58" East for a distance of 271.58 feet;
Thence North 89°59'12" West for a distance of 20.00 feet to a $\frac{1}{2}$ inch rebar;
Thence North 00°55'58" West for a distance of 271.58 feet to the Point of Beginning.

RESERVING UNTO THE GRANTOR, her successors and assigns a perpetual, non-exclusive access easement, over, under and across the following described property:

Section 8: Part of the NW¼NE¼, more particularly described as follows:

Beginning at the N¼ section corner of said Section 8, said corner marked by a 5/8 inch rebar; thence South 88°31'23" East along the North line of Section 8 for a distance of 268.03 feet to a ½ inch rebar which shall be the Point of Beginning;
Thence South 88°31'23" East along the North line of Section 8 for a distance of 20.00 feet;
Thence South 00°33'22" East for a distance of 565.82 feet;
Thence North 89°59'12" West for a distance of 20.00 feet;
Thence North 00°33'22" West for a distance of 566.33 feet to the Point of Beginning.

for the benefit of the property described as follows:

Beginning at the North ¼ corner of said Section 8, said corner marked by a 5/8 inch rebar with a 3 inch Cassia County Survey cap on top; Thence South 00°36'41" East (South 00°45'20" East rec.) along the West line of the NW¼NE¼ for a distance of 573.19 feet to a point which shall be the Point of Beginning;
Thence South 89°59'12" East for a distance of 17.53 feet to a ½ inch rebar;
Thence South 89°59'12" East for a distance of 303.28 feet to a ½ inch rebar;
Thence South 00°36'41" East (South 00°45'20" East rec.) for a distance of 271.56 feet to a ½ inch rebar;
Thence North 89°59'12" West for a distance of 301.76 feet to a ½ inch rebar;
Thence North 89°59'12" West for a distance of 19.05 feet to the West line of the NW¼NE¼;
Thence North 00°36'41" West (North 00°45'20" West rec.) along said line for a distance of 271.56 feet to the Point of Beginning.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to State of Idaho, Department of Water Resources Adjudication No. 45-7634.

SUBJECT TO:

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

Taxes for 2009 and subsequent years.

Assessments of the Burley Irrigation District and the rights and powers of said District as by law provided.

Joint Well Use Agreement and Easement by and between Kirk A. Pickett and Joyce A. Pickett, husband and wife, and Clinton M. Kidd and Diana R. Kidd, husband and wife, dated October 25, 1993 and recorded October 25, 1993 as Instrument No. 227246 on Film No. 249, records of Cassia County, Idaho.

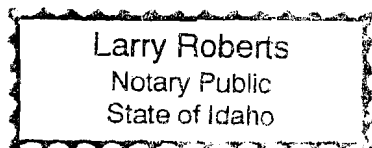
TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all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

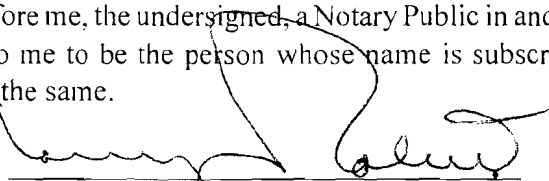
Dated: **September 1, 2009**


Audrey Heyne

STATE OF IDAHO)
) ss.
COUNTY OF Cassia)

On this **1st** day of **September, 2009**, before me, the undersigned, a Notary Public in and for said State, personally appeared **Audrey Heyne**, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.





Notary Public
Residing at: Burley, ID
My Commission expires: 6-30-2015

292970

36963

DEED OF PERSONAL REPRESENTATIVE

THIS DEED made the 1st day of December, 2003, by AUDREY HEYNE, Personal Representative of the Estate of Duvien D. Heyne, deceased, herein called the First Party, Grantor, and AUDREY HEYNE, a widow, herein called the Second Party, Grantee, whose present address is 605 East 300 South, Burley, ID 83318,

WITNESSETH:

That the First Party, by virtue of the power and authority to her given and vested and by reason thereof and for value received, has granted, conveyed and confirmed, and by these presents does grant, remise, convey and confirm, unto the Second Party, Grantee and her heirs forever, all of the following described real property located in Cassia County, Idaho, to-wit:

The real property described on Exhibit "A" attached hereto and by this reference made a part hereof.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining; and the reversion, remainder and remainders, rents, issues and profits thereof, and also all the estate, right, title and interest, property, possession, claim and demand whatsoever, which the said Duvien D. Heyne, decedent, had in his lifetime, and at the time of his decease, and which the First Party has, by virtue of her appointment as Personal Representative of the Estate of Duvien D. Heyne, deceased, in and to the above-described premises, with appurtenances.

TO HAVE AND TO HOLD all and singular the above-granted premises, together with appurtenances, and every part thereof, unto the Second Party, her heirs and assigns forever.

IN WITNESS WHEREOF the First Party has hereunto set my hand the day and year first above written.

ESTATE OF DUVIEN D. HEYNE

BY: Audrey Heyne
Audrey Heyne
Personal Representative

RECORDED IN THE OFFICE OF
LAND TITLE & ESCROW
03 DEC 10 PM 3 25

CASSIA COUNTY, IDAHO
LARRY A. NOBELSEN
RECORDER
FEE 7.00 DEPOSIT

292970

STATE OF IDAHO)
) ss.
County of Minidoka)

On the 15th day of December, 2003, before me the undersigned Notary Public in and for said State, personally appeared Audrey Heyne, Personal Representative of the Estate of Duvien Heyne, deceased, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(SEAL)

WILLIAM T. GOODMAN
NOTARY PUBLIC
STATE OF IDAHO

William T. Goodman
Notary Public
Residing at Rupert, Idaho
My Commission Expires: 12/24/04

EXHIBIT "A"

TOWNSHIP 11 SOUTH, RANGE 24 EAST OF THE BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

SECTION 8:

Part of the NW~~1~~/~~4~~NE~~1~~/~~4~~, more particularly described
as follows:

Beginning at the NW~~1~~/~~4~~ section corner of said Section 8
said corner marked by a 3 inch Cassia County survey
cap; thence South 0°45'20" East along the West line of
the NW~~1~~/~~4~~NE~~1~~/~~4~~ for 239.44 feet to a ½ inch rebar, which
shall be the Point of Beginning. Thence North
89°25'19" East for 153.37 feet to a ½ inch rebar;
thence North 2°30'46" West for 18.75 feet to a ½ inch
rebar; thence North 89°46'24" East for 83.69 feet
(83.68 feet rec.) to a point; thence North 0°23'00"
West for 213.28 feet, (212.46 feet rec.) to a point on
the North Boundary line of the NW~~1~~/~~4~~NE~~1~~/~~4~~; thence South
88°40'00" East along said North boundary line for
82.98 feet, to a P.K. Nail; thence South 0°45'20" East
for 1331.81 feet to a ½ rebar; thence South 89°52'14"
West for 320.81 feet to a ½ inch rebar on the West
line of the NW~~1~~/~~4~~NE~~1~~/~~4~~; thence North 0°45'20" West along
the West line of the NW~~1~~/~~4~~NE~~1~~/~~4~~ for 1100.57 feet to the
Point of Beginning;

Including all water and water rights used on or
appurtenant to the above described parcel,