

D-1

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

JUL 21 2009

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

1. **WATER RESOURCES**
WESTERN

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 67-04193	12-8-00	NO			

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) EVELYN L. GRACE
1114 W 4TH ST., WEISER, ID 83672
4. New Owner/Claimant(s) J.M. SWART
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 282
- City, State and ZIP Code Raton, NM 87740
- New Telephone Number (505) 572-4043
5. Date you acquired the property 7/17/2009

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) _____
(include title if applicable) J. M. SWART

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 _____	Date _____	Fee 25. ⁰⁰
Received by <i>Jmh</i>	Date 7-21-09	Receipt No. W637708
Processed by _____	AJ Date _____	WR <i>Jah</i> Date 7-21-09

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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 67-04193

NAME AND ADDRESS: EVELYN L GRACE
1114 W 4TH ST
WEISER, ID 83672

SOURCE: GROUNDWATER

QUANTITY: 0.089 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 09/05/1966

POINT OF DIVERSION: T11N R05W S31 NENE Within Washington County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.089 CFS

PLACE OF USE: Domestic T11N R05W S31 NENE Within Washington County

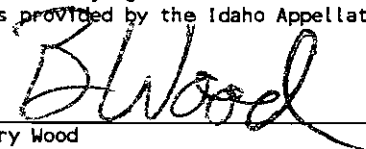
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

COPY

ORIGINAL FILE WITH
FEDERAL RESOURCES.
THIS COPY FILE IN RECORDS.

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: A67-04193
Date Received: 7/20/1989
Receipt No: W003739
Received By: DE JDL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EVELYN L. GRACE 208-549-1391
Address: 1114 WEST 4TH ST.
WEISER, ID 83672

2. Date of Priority: SEP 05, 1966

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	05W	31	NE	NE			WASHINGTON

5. Description of diverting works:
21' WELL W/8" CASING, 1 HP PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.089		

7. Total Quantity Appropriated is:
0.089 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOME, LAWN, SHRUBS, AND GARDEN.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	05W	31	NE	NE		DOMEST	

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:
NONE

14. Remarks:
P/D IN LOT 10, BLK. 20, FRUITVALE ADDN.
DIV. RATE=40 GPM.
DIVERSION IS LOCATED LOT 10, BLOCK 20 FRUITVALE ADDITION. CITY
OF WEISER, LOCATED NE 1/4 OF NE 1/4 OF SEC. 31, TWN. 11N-05W,
WELL IS NE CORNER OF LOT.

15. Basis of Claim: PERMIT

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

13815

Instrument # 212766

STATE OF IDAHO, COUNTY OF WASHINGTON
2009-07-17 11:58:16 AM No. of Pages: 2
Recorded for: AMERITITLE
SHARON WIDNER Fee: 6.00
Ex-Officio Recorder Deputy LMckKnight
Index To: DEED
Electronically Recorded by Simplifile

AMENDED
DEED OF DISTRIBUTION BY PERSONAL REPRESENTATIVE
(to add adjacent vacated alley)

THIS DEED, made this 17th day of July, 2009, by **MARY KAY PURCELL**, as Personal Representative of the Estates of EVELYN L. GRACE and WALTER E. GRACE, deceased, Grantor, to **MARY KAY PURCELL** of 16793 Lonkey Lane, Caldwell, Idaho 83607; Grantee.

WHEREAS, Grantor is the qualified Personal Representative of said estates, filed as Case No. CV2009-1765, in Washington County, Idaho; and

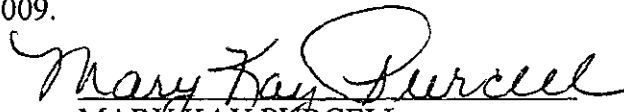
WHEREAS, Letters Testamentary were recorded in the records of Washington County, Idaho, as Instrument No: 211457, on the 5th day of February, 2009; and

WHEREAS, Grantee is entitled to distribution of the hereinafter described real property:

THEREFORE, Grantor conveys and releases to Grantee, the following described real property situated in Washington County, Idaho, to wit:

The North Half of Lot Nine (9) and all of Lot Ten (10) of Block Twenty (20) of Fruitvale Addition to the City of Weiser, Idaho, as the same are shown on the official plat of said Addition of file in the office of the County Recorder of Washington County, Idaho; and all that portion of adjacent alley by vacation approved April 30, 1912 as Ordinance No. 221.

EXECUTED this 17th day of July, 2009.

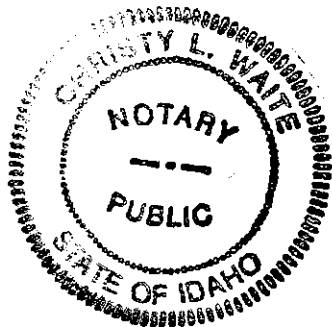

MARY KAY PURCELL
Personal Representative of the

Estates of Evelyn L. Grace and
Walter E. Grace, deceased

STATE OF IDAHO)
 : ss.
County of Washington)

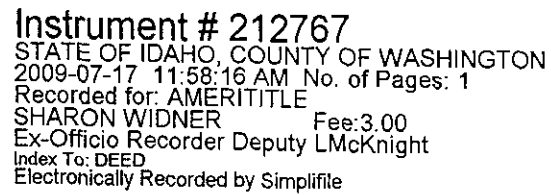
On this 17th day of July, 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared MARY KAY PURCELL, known to me to be the Personal Representative of the estates of Evelyn L. Grace and Walter E. Grace, deceased, and acknowledged to me that she executed the same as such Personal Representative.

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





Notary Public for Idaho
Residing at Idaho, ID
My commission expires 11/4/09



↑
COMPLIMENTS OF
AmeriTitle
 THIS SKETCH IS FURNISHED
 TO ASSIST IN PROPERTY
 LOCATION AND THE COMPANY
 DOES NOT GUARANTEE
 ITS ACCURACY.

BUTTERFIELD TRACT

GLADHART

ADDITION

PIONEER

ROAD

S30 S29
S31 Sec. Cor. S32

W_L

ST.	10	1	001A
	9	2	
	8	3	
	7	4	003A
	6	5	
	24	1	001A
	23	2	
	22	3	003A
	21	4	
	20	5	005A
	19	6	
ST.	18	7	007A
	17	8	
	16	9	
	15	10	
	14	11	010A
	13	12	

ST.	10	1	009A
	9	2	
	8	3	007A
	7	4	
	6	5	006A
	24	1	023A
	23	2	
	22	3	021A
	21	4	
	20	5	019A
	19	6	
ST.	18	7	017A
	17	8	
	16	9	015A
	15	10	
	14	11	013A
	13	12	

WEST BUTTERFIELD

ST.

ST.	24	1	001A
	23	2	
	22	3	003A
	21	4	
	20	5	005A
	19	6	
	18	7	007A
	17	8	
	16	9	009A
	15	10	

ST.	24	1	023A
	23	2	
	22	3	021A
	21	4	
	20	5	018A
	19	6	
	18	7	015A
	17	8	
	16	9	
	15	10	

MAP

