

*Amended
Application*Transfer No. 75174
Receipt No. S030379

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

1. Applicant Information PAUL DAVID EAKIN
2714 MORNINGVIEW DR.
HOUSTON TX 77080
(713)-460-0027

And

DEBORAH W EAKIN
2714 MORNINGVIEW DR.
HOUSTON TX 77080
(713) 460-0027

RECEIVED

JUN 24 2009

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Will this transfer result in an ownership change? _____ Yes ___X___ No

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
36-13811	WR/Decreed	0.08				GROUND WATER

3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
36-13811	NO	YES	YES	NO	NO	NO

Describe the reason for the proposed changes

Transfer to correct the place of use and point of diversion.

4. FOR CHANGES IN NATURE OF USE ONLY**A. Describe the expected quantity of the return flows and location of discharge after the proposed change**

N/A

B. Describe the effects on other water uses resulting from the proposed change

N/A

5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
36-13811	0.08 cfs			
TOTAL	0.08 cfs			

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**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.



(Signature of Applicant)

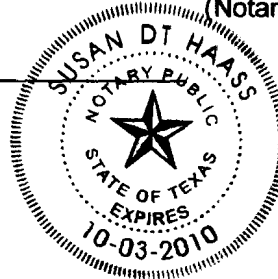
(Title or Office)

Subscribed and sworn to before me this 18th day of June, 2009.



(Notary Public)

My commission expires 10-03-2010



Transfer No. 75174
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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 36-13811

Priority Date: February 06, 1947
Origin: Water Right
Basis: Decreed
Status: Active

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Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	1/01	12/31	0.04 CFS		
DOMESTIC	1/01	12/31	0.04 CFS		
Total Diversion			0.08 CFS		

Source and Point(s) of Diversion:

GROUND WATER NENE Sec. 6 Twp 08S Rge 17E JEROME County

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	17E	6	X																

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	17E	6	X																

Conditions/Remarks:

1. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. PARCEL NO. RL08S17E060601 STOCKWATER, 100 BEEF

Page 4

Documentation of Ownership of the Current Place of Use

Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

N/A

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Proposed Water Right No. 36-13811

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SOUTHERN REGION

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	01/01 12/31	0.04 CFS		
DOMESTIC	01/01 12/31	0.04 CFS		
	Total Diversion	0.08 CFS		

GROUND WATER L2 (NWNE) Sec. 6 Twp 08S Rge 17E JEROME County

Pump diverts from well directly to holding tank at residence.

[illegible][illegible]

BETTENCOURT, LUIS M

DAVIS, DALE THOMAS S

08S17E6NWNE
EAKIN, PAUL DAVID

08S17E6NENE

POD

POU

08S17E6SWNE
EAKIN, PAUL DAVID

08S17E6SENE

COP

DE✓

REC

P

2007

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

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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 IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
PD36-13811					

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 on file with the county Planning and Zoning or Recorder's Office).

OR

- D. 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 or equivalent **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)

Bert Eakin
2714 Morningview
Houston, TX 77080

4. New Owner/Claimant(s)

Paul David Eakin and Deborah W. Eakin
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

18402 Flint Hill Drive

City, State and ZIP Code

Katy, TX 77449-8419

New Telephone Number

(281) 859-1801 Email: pauleak@swbell.net

COPY

5. Date you acquired the property December 14, 2007

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) Paul Wand, Esq. Personal Representative 12/2/07
 (title if applicable)
Deborah W. Eakin 12/2/07
 (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 [Signature]
 Received by [Signature]
 Processed by AJ

Date 11/2/08
 Date 11/3/08
 Date

Receipt Amt. \$25
 Receipt No. SC 29908
 WR Date

Instrument # 2077498

JEROME COUNTY, JEROME, IDAHO

2007-12-19 10:54:38 No. of Pages: 2

Recorded for : THE VOORHEES LAW FIRM

MICHELLE EMERSON

Ex-Officio Recorder Deputy

Fee: 6.00

COPY

PERSONAL REPRESENTATIVE'S DEED OF DISTRIBUTION
[Re-recorded to Correct Legal Description on Instrument No. 2076928]

THIS DEED, made by **Paul David Eakin**, as domiciliary foreign personal representative of the Estates of **Bertram E. Eakin and Elizabeth Jones Eakin**, also known as, **Elizabeth Faith Jones Eakin**, Grantor, to **Paul David Eakin and Deborah W. Eakin**, husband and wife, Grantees, whose current address is **18402 Flint Hill Drive, Katy, TX 77449-8419**.

WHEREAS, **Paul David Eakin**, Grantor is the qualified domiciliary foreign personal representative of said Estates, filed as Case No. CV 2007-930, in Jerome, Jerome County, Idaho;

WHEREAS, Grantee is entitled to distribution of certain real property, hereinafter described, from the Estates.

THEREFORE, Grantor grants, transfers, conveys and distributes all of the right, title and interest of Estates to Grantees the following described real property in Jerome, County, Idaho:

Lot Two (2) and Southwest quarter of the Northeast
quarter (SW1/4 NE1/4) Section Six (6) Township
Eight (8) South, Range Seventeen (17) E.B.M.

Excluding the following parcel of land:

That part of Lot 2 lying northerly of the centerline of the Northside Canal Company
"U" Canal.

with all appurtenances.

This conveyance is made without warranty of the accuracy of the legal description and status of encumbrances, if any. No policy of title insurance accompanies this conveyance.

EXECUTED this 14 day of December 2007.



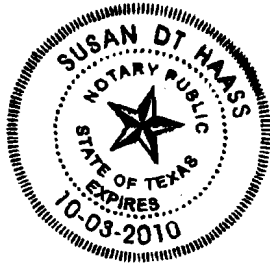
PAUL DAVID EAKIN
Domiciliary Foreign Personal Representative of the
Estates of **Bertram E. Eakin and Elizabeth Jones Eakin**,
also known as, **Elizabeth Faith Jones Eakin**

COPY

STATE OF TEXAS)
 : ss
COUNTY OF HARRIS)

On this 14th day of December 2007, before me, the undersigned, a notary public in and for said state, personally appeared, **Paul David Eakin**, known or identified to me to be the person whose name is subscribed to the within instrument, as domiciliary foreign Personal Representative of the Estates of Bertram E. Eakin and Elizabeth Jones Eakin, also known as, Elizabeth Faith Jones Eakin, and acknowledged to me that he executed the same as such domiciliary foreign Personal Representative.

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





NOTARY PUBLIC
Residing at: Harris County TX
My Commission Expires: 10/3/10

COPY

DENNIS S. VOORHEES
THE VOORHEES LAW FIRM
Attorney at Law
112 Shoshone Street East
P.O. Box Z
Twin Falls, Idaho 83303-0090
Phone: (208) 736-6000
ISB No. 2281

DISTRICT COURT
FIFTH JUDICIAL DIST
JEROME COUNTY, IDAHO

2007 AUG 23 PM 2 59

Michelle Emerson
BY M. Creeb
DEPUTY CLERK

Instrument # 2075306
JEROME COUNTY, JEROME, IDAHO
21 8-30 10:12:55 No. of Pages: 1
Recorded for: THE VOORHEES LAMURE LLP
MICHELLE EMERSON
Ex-Officio Recorder Deputy Julius
Fee: 3.00

Attorney for: Personal Representative

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

IN THE MATTER OF)

BERTRAM E. EAKIN and)

ELIZABETH JONES EAKIN, AKA)
ELIZABETH FAITH JONES EAKIN,)

Deceased.)

CASE NO. CV 2007.930

LETTERS TESTAMENTARY
OF DOMICILIARY FOREIGN
PERSONAL REPRESENTATIVE

1. **Paul David Eakin** was duly appointed and qualified as Domiciliary Foreign Personal Representative of the estates of the above-named decedents on the date indicated below, by the Court, with all authority pertaining thereto.
2. Administration of the estate is unsupervised.

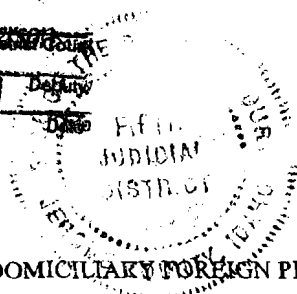
These letters are issued to evidence the appointment, qualification, and authority of the said domiciliary foreign personal representative.

WITNESS, my signature and the Seal of this Court, this 23 day of August 2007.

State of Idaho
County of Jerome
I hereby certify the foregoing to be a full, true and
correct copy of the original on file in the above
entitled action.

Michelle Emerson
8/23/07
Deputy

151 Jason D. Walker
MAGISTRATE



LETTERS TESTAMENTARY OF DOMICILIARY FOREIGN PERSONAL REPRESENTATIVE