

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

RECEIVED
FEB 18 2009
 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)
72-16791					

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)

4. New Owner/Claimant(s)

New Mailing Address

City, State and ZIP Code

New Telephone Number

2/17/09 Nancy L & Joe S. Chester
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
 PO Box 759
 Challis, Id 83226
 208-879-4463 Email: jchester@custertel.net
 custertel.net

5. Date you acquired the property

12/20/2000 & 6/21/2004

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)

Nancy L. & Joe & Chester
(title if applicable)
(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 2/18/09
Date _____
Date _____

Receipt Amt. _____
Receipt No. _____
WR _____ Date _____

229657

Custer County Reg. of
Time 10:50 A.M. Date 8/3/2004
Ethel M. Pack Clerk
Deputy Keith Brunker \$6.00

WARRANTY DEED

For Value Received, **MICHAEL A. CUTLER** and **CHERYL LAVERTY CUTLER**, the Grantors, hereby convey, grant and warrant unto "**THE JOE D. AND NANCY L. CHESTER FAMILY TRUST**", a trust established under the laws of the State of Idaho by an Agreement dated February 19, 1999, of which **JOE D. CHESTER** and **NANCY L. CHESTER** are the current trustees, the Grantee, all that certain real property more particularly described in **EXHIBIT "A"**, attached hereto and incorporated herein by reference (hereafter referred to as the "Property").

TO HAVE AND TO HOLD the Property, with its appurtenances unto the Grantee, its assigns and successors-in-interest forever. And the Grantors do hereby covenant to and with the said Grantee that Grantors are the owners in fee simple of the Property; that the Property is free from all encumbrances, EXCEPTING the general taxes and assessments for the current year, which are not yet due and payable; and that Grantors will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, the Grantors have executed this instrument on this 21 day of JUNE, 2004.

Michael A. Cutler

MICHAEL A. CUTLER

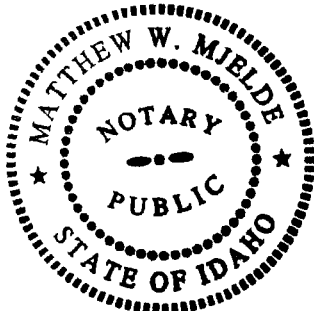
Cheryl Laverty Cutler

CHERYL LAVERTY CUTLER

STATE OF IDAHO)
)
 : ss.
County of CUSTER)

On this, the 21ST day of JUNE, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared **MICHAEL A. CUTLER** and **CHERYL LAVERTY CUTLER**, husband and wife, known or identified to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

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



Matthew W. Mjelde

Notary Public for said State
Residing at: 68013th ST CHALLIS, IDAHO
Commission expires: 01-25-07

Until a change is requested,
send all tax statements to
the following:

P.O. Box 759
Challis, ID 83226

After recording, return to:

Glenn M. Lee
Attorney at Law
1511 N. Whitley Drive
Fruitland, ID 83619-2266

EXHIBIT "A"

Land in Custer County, Idaho, as follows:

A parcel of land located in Sec. 16, Twp. 13 N., R. 19 E., Boise Meridian, Custer County, Idaho, more particularly described as follows:

Commencing at the NE Corner of said Sec. 16., from which the E $\frac{1}{4}$ Corner of Sec. 9 bears N. 00°04'50" W. 2647.76 feet, the basis of bearing of this description;
run thence S. 58°28'01" W. a distance of 335.24 feet to the center of an existing pivot;
thence S. 43°09'14" W. a distance of 1260.35 feet to a found pin in an existing fence, said point being the POINT OF BEGINNING.
thence S. 61°32'06" W. along said fence a distance of 32.62 feet;
thence 797.73 feet along a curve to the right having a radius of 1291.35 feet, a central angle of 35°23'41" and a chord bearing N. 28°41'33" W. for 785.11 feet;
thence N. 24°50'46" E. a distance of 42.35 feet to a found pin set by LS 5080;
thence N. 14°12'46" E. a distance of 16.85 feet;
thence 838.22 feet along a curve to the left having a radius of 1260.35 feet a central angle of 38°06'20" and a chord bearing S. 27°47'36" E. for 822.85 feet to the POINT OF BEGINNING.

Together with all water and water rights, ditches and ditch rights, minerals and mineral leases, tenements and hereditaments, appurtenances and fixtures, easements, rights, privileges, permits and licenses thereunto belonging, in anywise appertaining or used in connection therewith, and the reversions, remainders, rents, issues and profits thereof.

WARRANTY DEED

0222119

FOR VALUE RECEIVED, "Trust B" of **THE RAY AND GLADYS LAVERTY FAMILY TRUST**, created by trust agreement dated August 11, 1994, of which **GLADYS LAVERTY, NANCY LAVERTY CHESTER**, and **CINDY MAE CUTLER SIMS** are the current Trustees, the Grantor, does hereby **GRANT, BARGAIN, SELL** and **CONVEY** unto **THE JOE D. AND NANCY L. CHESTER FAMILY TRUST**, U/T/A dated February 19, 1999, of which **JOE D. CHESTER** and **NANCY L. CHESTER** are current trustees, the Grantee, all that certain real property more particularly described in **EXHIBIT "A"**, which exhibit is attached hereto and incorporated herein by reference, together with all water and water rights, ditches and ditch rights, minerals and mineral leases, tenements and hereditaments, appurtenances and fixtures, easements, rights, privileges, permits and licenses thereunto belonging, in anywise appertaining or used in connection therewith, and the reversions, remainders, rents, issues and profits thereof (hereafter referred to as the "Property").

TO HAVE AND TO HOLD the Property, with its appurtenances, unto the Grantee, and Grantee's heirs and assigns and successors-in-interest forever. And the Grantor does hereby covenant to and with the Grantee that the Grantor is the owner in fee simple of the Property; that the Property is free from all encumbrances, **except** those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and **subject to** encumbrances, reservations, restrictions, encroachments, easements, rights-of-way, dedications and agreements (if any) appearing of record, of use, and/or existing, and general taxes and assessments (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable; and that Grantor will warrant and defend the same from all lawful claims whatsoever, excepting the aforesaid encumbrances and exceptions, and any discrepancies, conflicts in boundary lines, shortages in area, encroachments, or any other facts which a correct survey would disclose.

DATED this 20 day of December, 2000.

**"Trust B" of THE RAY AND
GLADYS LAVERTY FAMILY TRUST**

Custer County Reg. of.
Custer County Title
Time 3:20 P M Date 12-20-00
Ethel M. Peck, Clerk
Barbara Brundage 18⁰⁰
Deputy

Gladys Laverty
GLADYS LAVERTY, Trustee

Nancy L. Chester
NANCY LAVERTY CHESTER, Trustee

COPY

WARRANTY DEED - 1

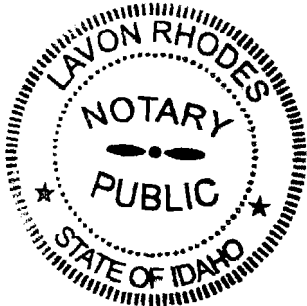
C:\Client Files\Laverty Trust\Trust Warranty Deed to Chester - Areas- 4 & 5 - 2.wpd

THIS INSTRUMENT WAS FILED FOR RECORD
BY CUSTER COUNTY TITLE. AS AN
ACCOMMODATION ONLY. IT HAS NOT BEEN
EXAMINED AS TO ITS EXECUTION OR AS TO
ITS EFFECT UPON THE TITLE.

STATE OF IDAHO)
County of Custer) : ss.

On this, the 20 day of December, 2000,
before me, the undersigned, a Notary Public in and for said
State, personally appeared **GLADYS LAVERTY**, known or identified to
me to be the person whose name is subscribed to the foregoing
instrument as a Trustee of **"Trust B" of THE RAY AND GLADYS
LAVERTY FAMILY TRUST**, created by trust agreement dated August 11,
1994, and acknowledged to me that she executed the same as such
Trustees on behalf of said Trust.

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

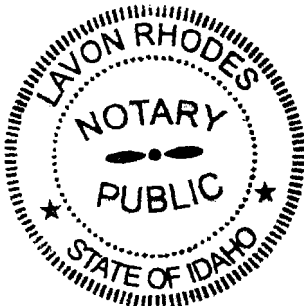


Lavon Rhodes
Notary Public for said State
Residing at: Challis, ID
Commission expires: 11/03/05

STATE OF IDAHO)
County of Custer) : ss.

On this, the 20 day of December, 2000,
before me, the undersigned, a Notary Public in and for said
State, personally appeared **NANCY LAVERTY CHESTER**, known or iden-
tified to me to be the person whose name is subscribed to the
foregoing instrument as a Trustee of **"Trust B" of THE RAY AND
GLADYS LAVERTY FAMILY TRUST**, and acknowledged to me that she
executed the same as such Trustee on behalf of said Trust.

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



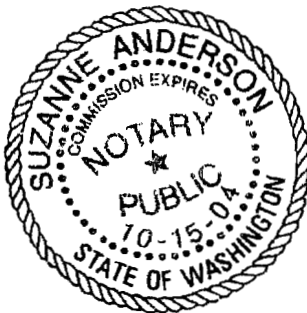
Lavon Rhodes
Notary Public for said State
Residing at: Challis ID
Commission expires: 11/03/05

Cindy Mae Cutler Sims
CINDY MAE CUTLER SIMS, Trustee

STATE OF Washington)
County of Kitsap) ss.

On this, the 18TH day of December, 2000,
before me, the undersigned, a Notary Public in and for said
State, personally appeared **CINDY MAE CUTLER SIMS**, known or iden-
tified to me to be the person whose name are subscribed to the
foregoing instrument as a Trustee of "Trust B" of **THE RAY AND
GLADYS LAVERTY FAMILY TRUST**, and acknowledged to me that she
executed the same as such Trustee on behalf of said Trust.

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



Suzanne Anderson
Notary Public for said State
Residing at: Port Orchard
Commission expires: 10/15/04

Until a change is requested,
all tax statements shall be sent to: _____

After recording, return to: Same

CINDY MAE CUTLER SIMS, Trustee

STATE OF _____)
County of _____ : ss.
_____)

On this, the _____ day of _____, 2000,
before me, the undersigned, a Notary Public in and for said
State, personally appeared **CINDY MAE CUTLER SIMS**, known or iden-
tified to me to be the person whose name are subscribed to the
foregoing instrument as a Trustee of **"Trust B" of THE RAY AND
GLADYS LAVERTY FAMILY TRUST**, and acknowledged to me that she
executed the same as such Trustee on behalf of said Trust.

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

Notary Public for said State
Residing at:
Commission expires:

Until a change is requested,
all tax statements shall be sent to:

Joe & Nancy L Chester
PO Box 759

After recording, return to: Same

Challis, ID 83226

Property Description
Area #4 plus Area #5
Job Number 009

November 14, 2000

A tract of land located in the SE¼ of Section 9, the NW¼ and the SW¼ of Section 10, the NW¼ of Section 15 and the NE¼ of Section 16, T. 13 N., R. 19 E., B.M., Custer County, Idaho more particularly described as follows:

Beginning at the Northwest Corner of said Section 10 and running S19°50'57"E 3218.68 feet to a point that is common to the VanArk parcel and the Strand parcel and is the **True Point of Beginning** for this description:

thence S34°36'01"W 303.68 feet along the VanArk property line to a point;
thence S58°44'54"E 366.56 feet along the VanArk property line to a point that is
S08°01'46"W 100.00 feet from the southerly most point of the Strand
parcel;
thence S08°01'46"W 113.69 feet;
thence S07°30'31"W 603.87 feet;
thence S10°25'52"W 285.83 feet;
thence S05°35'19"W 990.56 feet;
thence S14°05'21"W 266.60 feet;
thence S10°59'12"W 441.57 feet;
thence S42°40'39"W 748.36 feet;
thence S77°35'33"W 321.29 feet;
thence S87°45'06"W 217.49 feet;
thence N70°58'41"W 523.98 feet;
thence N87°52'23"W 340.83 feet;
thence S83°23'12"W 347.31 feet;
thence S63°52'49"W 345.26 feet;
thence S55°06'26"W 213.27 feet;
thence S49°33'38"W 49.71 feet;
thence N21°03'13"E 214.42 feet;
thence N55°03'00"E 11.93 feet;
thence N64°58'20"E 440.03 feet;
thence N60°47'08"E 74.86 feet;
thence N61°14'32"E 228.74 feet;
thence 838.26 feet along a curve (said curve is the irrigation boundary for Center
Pivot No. 1) to the right having a Radius of 1260.35 feet, a central angle of
38°06'26" and a chord length of 822.83 feet bearing N27°43'09"W;
thence N14°16'25"E 820.06 feet;
thence N13°59'09"E 184.11 feet;
thence N26°53'58"E 134.81 feet;
thence N47°41'24"E 377.65 feet;
thence N28°49'56"E 595.88 feet;

Exhibit "A" to Exhibit A

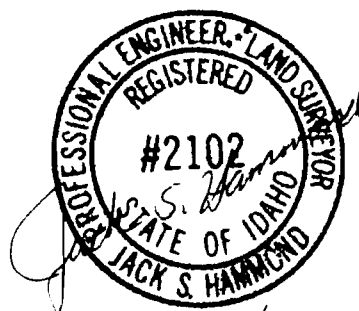
Property Description
Area #4 and #5

Page -2-

thence N47°27'02"E 680.11 feet;
thence S48°41'33"E 70.49 feet;
thence N42°58'12"E 121.03 feet;
thence S46°58'30"E 27.38 feet;
thence N36°16'14"E 819.45 feet;
thence N61°32'53"E 467.34 feet;
thence N66°51'08"E 169.18 feet;
thence S50°44'11"E 40.33 feet;
thence N85°09'34"E 275.67 feet to a point on the westerly side of Stand Lane;
thence S61°14'48"E 31.81 feet to a point on the easterly side of Stand Lane;
thence S09°55'58"E 145.61 feet along the Strand property line;
thence S32°26'45"W 364.23 feet along the Strand property line;
thence S36°20'26"E 15.82 feet along the Strand property line;
thence S34°36'01"W 229.53 feet along the Strand property line to the **True Point
of Beginning** for this description.

Said Tract contains 181.10 Acres.

The above Tract is subject to the Gini Canal Easement of Record.



11/14/00

Exhibit "A" to "H"