

Law Offices of
BAKER & HARRIS

Dwight E. Baker
Jared M. Harris*
Jonathan W. Harris
* Also Admitted in Utah

RECEIVED

DEC 22 2008

DEPARTMENT OF
WATER RESOURCES

WA
(copy to
AJ)
to rec'd
Partial Deed

266 W. BRIDGE STREET
BLACKFOOT, ID 83221
Telephone (208) 785-2310
Facsimile (208) 785-6749
E-Mail dbaker@bakerharrislaw.com

December 12, 2008

Dayna Ball
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0003

Re: Estate of Porter Houghland
SRBA Case No. 39576
Subcase 35-11343
B & H Matter No. 912118

Dear Ms. Ball:

Pursuant to the recent order of the Court, a copy of which I enclose, we enclose copies of the following:

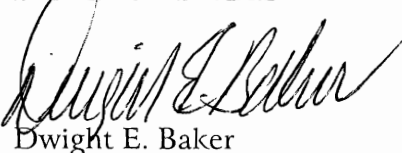
1. Department of Water Resources Notice of Change in Water Right Ownership
2. Personal Representative's Deed to John Houghland
3. Quit Claim Deed from Bonnie Houghland to Porter Houghland
4. Quit Claim Deed from Bonnie Houghland to Porter Houghland
5. USDA Aerial Photo

We have previously submitted our check for your transfer fee.

If you should require anything further, please advise.

Very truly yours,

BAKER & HARRIS



Dwight E. Baker

DEB /ls
Enclosures

cc: John Houghland
Special Master Terrence A. Dolan

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).

<u>Water</u> <u>Right No(s).</u>	<u>Adjudication</u> <u>Claim No(s).</u>	<u>Split(s)</u>	<u>Water</u> <u>Right No(s).</u>	<u>Adjudication</u> <u>Claim No(s).</u>	<u>Split(s)</u>
35-11342					
35-11343					
35-38-B					

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).

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**.

- COPY**

5. Date you acquired the property April 1, 2008

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)

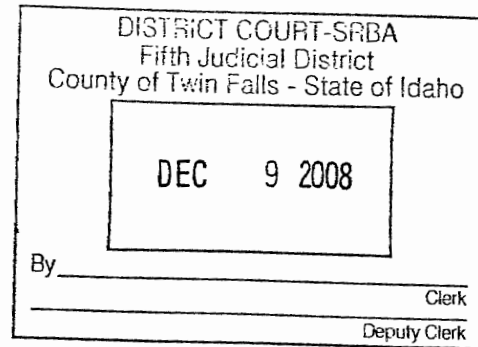
(title if applicable)

(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 _____ Date _____ Receipt Amt. _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____



**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	)	Subcase 35-11343
	)	(Houghland)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION

Findings of Fact

On November 17, 2000, former SRBA Presiding Judge Barry Wood enter a *Partial Decree* in water right 35-11343 awarding to Bonnie and Porter Houghland, 2186 S. Pala [Palo?] Verde, Lake Havasu City, Arizona, 86403, .07 cfs from groundwater for year-'round domestic and stockwater uses in Bingham County with a priority date of May 1, 1910. John Houghland, son of deceased Porter Houghland, filed a *Motion to File Late Objection* on August 27, 2008, objecting to place of use – an error in the legal description.

SRBA Presiding Judge John M. Melanson entered an *Order of Reference Appointing Special Master Terrence A. Dolan* "to issue a recommendation ... as to the *Motion* and to the underlying merits as to how the *Partial Decree* should be amended, if it is determined that said *Partial Decree* should be set aside or amended."

A hearing on the *Motion*, deemed to be a motion to set aside partial decree, was held by telephone on December 4, 2008. Jared M. Harris appeared for John Houghland and Andrea L. Courtney appeared for IDWR. Mr. Harris pointed out there was an error on the legal description of the place of use when the original SRBA claim was filed and the error on the *Partial Decree* was not discovered until Porter Houghland's estate was settled last year. The *Deed of Distribution by Personal Representative* was recorded

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER REPORT AND RECOMMENDATION was mailed on December 09, 2008, with sufficient first-class postage to the following:

JOHN HOUGHLAND

Represented by:

DWIGHT E. BAKER

266 WEST BRIDGE

BLACKFOOT, ID 83221

Phone: 208-785-2310

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

BONNIE HOUGHLAND

PORTER HOUGHLAND

2186 S PALA VERDE

LAKE HAVASU CITY, AZ 86403

Phone: 208-453-7678

RECORDING REQUESTED BY:
Baker & Harris
AND WHEN RECORDED MAIL TO:
Baker & Harris
266 W Bridge
Blackfoot, ID 83221

Instrument # 592950

BINGHAM COUNTY
2008-04-08 04:27:43 No. of Pages: 2
Recorded for : #5299 BAKER & HARRIS
SARA J. STAUB
Ex-Officio Recorder Deputy *[Signature]* Fee: 6.00

space above this line for Recorder's use only

DEED OF DISTRIBUTION
BY PERSONAL REPRESENTATIVE

THIS DEED, made by JOHN HOUGHLAND, as personal representative of the estate of PORTER HOUGHLAND, deceased, Grantor, to JOHN HOUGHLAND, Grantee, whose current address is 1842 W 800 S, Pingree ID 83262.

WHEREAS, Grantor is the qualified personal representative of said estate, filed as Case No. CV-07-1211, in Bingham County, Idaho;

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

THEREFORE, for valuable consideration received, Grantor quitclaims, transfers, and conveys to Grantee the following described real property in Bingham County, Idaho:

Parcel 1:

Township 4 South, Range 32 E.B.M., Bingham County Idaho:

Section 12: Beginning at a right-of-way marker on the North line of State Highway 39 that is approximately 40 feet North and 25 feet West from the SE corner of said Section 12, and running thence S 89°37'30" W along said North line of Highway 39, 935 feet; thence North 279 feet; thence N 89°37'30" E 935 feet; thence South 279 feet to the Point of Beginning

Parcel 2:

Township 4 South, Range 32 E.B.M., Bingham County, Idaho:

Section 23: NW¼, EXCEPT: Beginning at a point 835 feet E of the W¼ corner of said Section 23, and running thence E 1830 feet; thence N 50 feet; thence W 1830 feet; thence S 50 feet to the point of beginning. ALSO EXCEPT: Beginning at the W¼ corner of said Section 23, and running thence E 35 feet; thence N 45° W 50 feet; thence S 35 feet to the point of beginning.

with all appurtenances.

EXECUTED this 2nd day of April, 2008.

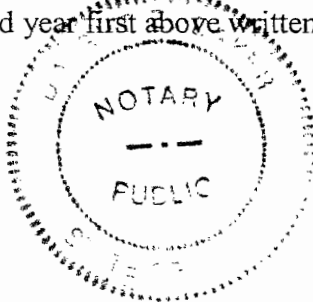

John Houghland

Personal Representative of the
estate of Porter Houghland, deceased.

STATE OF IDAHO)
 : ss
County of Bingham)

On this 2nd day of April, 2008, before me, the undersigned, a notary public in and for said state, personally appeared, John Houghland, known or identified to me to be the person whose name is subscribed to the within instrument, as Personal Representative of the Estate of Porter Houghland, deceased, and acknowledged to me that he 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 first above written.



Russell E. Baker
Notary Public for Idaho
Residing at Blackfoot
My commission expires: 12-10-1

rerecorded to
correct alias

550314

548472

QUITCLAIM DEED

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO
FEE 3-000009740
DEF

2004 DEC 15 PM 4:19

foraker & Harri
PO box 57
DO 532

FOR VALUE RECEIVED, BONNIE HOUGHLAND, Grantor, does hereby convey, ^{RECORDED AT THE REQUEST OF}
release, remise and forever quitclaim unto PORTER HOUGHLAND, whose address is PO Box
also known as Robert P Houghland
97, Springfield, ID 83210, the following described premises, to-wit:

Township 4 South, Range 32 E.B.M., Bingham County Idaho:

Section 12:

Beginning at a right-of-way marker on the North line of State Highway 39 that is
approximately 40 feet North and 25 feet West from the SE corner of said Section 12, and
running thence S 89°37'30" W along said North line of Highway 39, 935 feet; thence North
279 feet; thence N 89°37'30" E 935 feet; thence South 279 feet to the Point of Beginning.

Together with all and singular the tenements, hereditaments and appurtenances
thereunto belonging or in anywise appertaining to the described property.

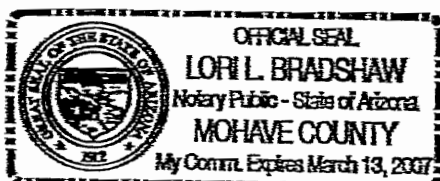
This deed is intended to convey to the Grantee all right, title, and interest the Grantor may
have in and to said property.

Dated this 16 day of November, 2004.

Arizona
STATE OF ~~IDAHO~~)
): ss.
County of ~~Bingham~~)
Mohave)

Bonnie Houghland
Bonnie Houghland

On this 16 day of November, 2004, before me, the undersigned, a Notary Public in and for
said state, personally appeared Bonnie Houghland, known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to me that he executed the same



Lori L. Bradshaw
NOTARY PUBLIC for Idaho
Residing at Blackfoot
My Commission Expires: 3-13-2007

RECORDED AT THE REQUEST OF
2005 FEB - 8 PM 4:26

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO
FEE 3-000009740
DEF
foraker & Harri
PO box 57
DO 532

550314

548472

548473

QUITCLAIM DEED

BINGHAM COUNTY CLERK
BLACKFOOT, IDAHO
FEE 3-11-04
DEP 1160

2004 DEC 15 PM 4:19

Baker + Harris
PO Box 577
Blackfoot + ID
83221

RECORDED AT THE REQUEST OF

FOR VALUE RECEIVED, BONNIE HOUGHLAND, Grantor, does hereby convey,
release, remise and forever quitclaim unto PORTER HOUGHLAND, whose address is PO Box
97, Springfield, ID 83210, the following described premises, to-wit:

Township 4 South, Range 32 E.B.M., Bingham County, Idaho:

Section 23: NW¼, EXCEPT: Beginning at a point 835 feet E of the W¼ corner of said
Section 23, and running thence E 1830 feet; thence N 50 feet; thence W 1830 feet; thence
S 50 feet to the point of beginning. ALSO EXCEPT: Beginning at the W¼ corner of said
Section 23, and running thence E 35 feet; thence N 45° W 50 feet; thence S 35 feet to the
point of beginning.

Together with all and singular the tenements, hereditaments and appurtenances
thereunto belonging or in anywise appertaining to the described property.

This deed is intended to convey to the Grantee all right, title, and interest the Grantor may
have in and to said property.

Dated this 16 day of November, 2004.

Arizona (43)
STATE OF ~~IDAHO~~)
) : ss.
County of ~~Blaine~~)
Mohave (43)

Bonnie Houghland
Bonnie Houghland

On this 16 day of November, 2004, before me, the undersigned, a Notary Public in and for
said state, personally appeared Bonnie Houghland, known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to me that he executed the same.



Lori L. Bradshaw
NOTARY PUBLIC for Idaho
Residing at Blackfoot
My Commission Expires: 3-13-2007

548473



USDA United States Department of Agriculture
Farm Service Agency

**Farm Service Agency
Bingham, ID**



Houghland land

April 16, 2008
Digital Orthophotography
Not to Scale

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.