

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

RECEIVED

OCT 29 2008

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)
PD 36-7122					
PD 36-7170					
PD 36-7890					

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)

DONALD KESTER, JR. & LINDA KESTER
369 North 100 East Rupert, ID. 83350

4. New Owner/Claimant(s)

MARK NEWCOMB & LONNA NEWCOMB

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

251 East 200 South

City, State and ZIP Code

Rupert, ID. 83350

New Telephone Number

() _____

SUPPORT DATA

IN FILE # 36-7122

5. Date you acquired the property

10-23-08

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) X

[Handwritten Signature]
 7 *[Handwritten Signature]*

(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]*Date 10/29/08Receipt Amt. \$75Received by *[Signature]*Date 10/30/08Receipt No. 5030495Processed by AJ

Date _____

WR _____ Date _____

Instrument # 499293

MINIDOKA COUNTY, RUPERT, IDAHO

10-23-2008 04:17:26 No. of Pages: 4

Recorded for : RUPERT LAND TITLE

DUANE SMITH Fee: 12.00

Ex-Officio Recorder Deputy

WARRANTY DEED

FOR VALUE RECEIVED, Donald L. Kester, Jr. and Linda J. Kester, husband and wife, the Grantors do hereby grant, bargain, sell and convey unto Mark Newcomb and Lonna Newcomb, husband and wife, whose present address is 251 East 200 South, Rupert, Idaho 83350, the Grantees, the following described premises, located in Minidoka County, Idaho, to wit:

The real property situated in Section 4, Township 9 South, Range 24 East, Boise Meridian, Minidoka County, Idaho, more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof.

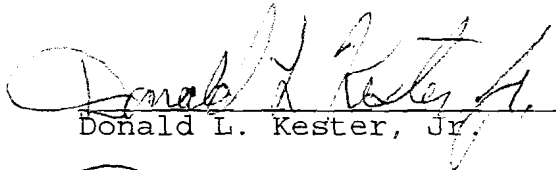
Together with the irrigation equipment situated thereon and IDWR Permit No. 36-7122 & 36-7170, 36-7890

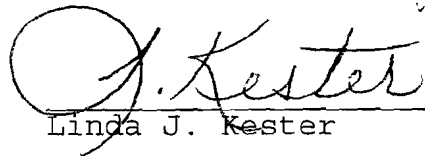
Said real property is subject to an easement for the installation of underground irrigation pipelines to provide irrigation water to the excepted portion of the real property described in Parcel No. 1 of Exhibit "A" attached hereto and a portion of Lot 2 in Section 4, Township 9 South, Range 24 East, Boise Meridian described as commencing at the Northeast Corner of said Lot 2 Thence South 660 feet, thence West 330 feet; thence North 660 feet to the North Boundary of said Lot 2; thence East along the North Boundary of Lot 2 330 feet to the point of beginning, which said easement is fully described on Exhibit "B" attached hereto.

SUBJECT TO REAL PROPERTY TAXES AND IRRIGATION ASSESSMENT COMMENCING JANUARY 1, 2009

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees that Grantors are the owners in fee of said premises, that said premises are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 16th day of October, 2008.

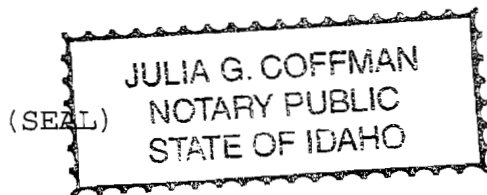

Donald L. Kester, Jr.


Linda J. Kester

STATE OF IDAHO)
) ss.
County of Minidoka.)

On this 16th day of October, in the year of 2008, before me the undersigned notary public in and for said state, personally appeared Donald D. Kester, Jr. and Linda J. Kester, known or identified to me to be the persons whose names are subscribed to the within 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.



Julia G. Coffman
Notary Public
Residing at Republic, Ida
My Commission expires 10-20-2011

EXHIBIT "A"

PARCEL NO. 1:

TOWNSHIP 9 SOUTH, RANGE 24 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 4: A portion of the SE¼NE¼, AND a portion of Government Lot 1, more particularly described as follows:

Commencing at the Northeast corner of said Section 4, marked by a brass cap; thence along the East line thereof South 00°11'18" East 1344.06 feet to a ½ inch rebar and the TRUE POINT OF BEGINNING;
Thence continuing along the East line of Section 4 South 00°11'18" East 14.17 feet to a ⅝ inch rebar at the Southeast corner of Government Lot 1;
Thence continuing South 00°11'18" East 357.54 feet;
Thence leaving the East line of Section 4 South 89°48'42" West 25.00 feet to a ½ inch rebar at the West line of the county road easement;
Thence continuing South 89°48'42" West 437.20 feet to a ½ inch rebar;
Thence North 00°11'18" West 357.60 feet to the South line of Government Lot 1;
Thence continuing North 00°11'18" West 14.10 feet to a ½ inch rebar;
Thence North 89°48'42" East 462.20 feet to the TRUE POINT OF BEGINNING.

PARCEL NO. 2:

TOWNSHIP 9 SOUTH, RANGE 24 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 4: NW¼SE¼ and NE¼SE¼, **SAVE AND EXCEPT** the following described tract:

Beginning at the Northeast corner of said NE¼NE¼, which point shall be known as the TRUE POINT OF BEGINNING;
Thence West along the North boundary line of said NE¼SE¼ for 330 feet;
Thence South for 125 feet;
Thence East for 330 feet to a point on the East section line of said Section 4;
Thence North along said East section line for 125 feet to the TRUE POINT OF BEGINNING.

AND ALSO SAVE AND EXCEPTING the following described tract:

Beginning at the Northeast corner of said NE¼SE¼; thence South along the East section line of said Section 4 for 175 feet to a point, which point shall be known as the TRUE POINT OF BEGINNING;
Thence West for 330 feet;
Thence South for 1145 feet, more or less, to a point on the South boundary line of said NE¼SE¼;
Thence East along said South boundary line for 330 feet to a point on the East section line of said Section 4;
Thence North along said East section line for 1145 feet, more or less, to the TRUE POINT OF BEGINNING.

EXHIBIT "B"

DESCRIPTION: A 20 FOOT WIDE IRRIGATION EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF AN IRRIGATION LINE ACROSS THAT REAL PROPERTY CONVEYED TO DONALD L. AND LINDA J. KESTER BY THE QUITCLAIM DEED RECORDED AUGUST 26, 2007 AS INSTRUMENT No. 493181, MINIDOKA COUNTY RECORDS.

TOWNSHIP 9 SOUTH, RANGE 24 EAST, BOISE MERIDIAN, MINIDOKA COUNTY, IDAHO.

SECTION 4: A PORTION OF GOVERNMENT LOT 1, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 4, MARKED BY A BRASS CAP, THENCE ALONG THE EAST LINE THEREOF SOUTH 00°11'18" EAST 45.00 FEET;

THENCE SOUTH 89°48'40" WEST 25.00 FEET TO THE WEST LINE OF THE COUNTY ROAD EASEMENT;

THENCE ALONG SAID WEST LINE SOUTH 00°11'18" EAST 1299.06 FEET, A ½" REBAR BEARS NORTH 89°48'42" EAST 25.00 FEET;

THENCE SOUTH 89°48'42" WEST 20.00 FEET;

THENCE NORTH 00°11'18" WEST 1299.06 FEET;

THENCE SOUTH 89°48'40" WEST 1257.08 FEET TO THE WEST LINE OF GOVERNMENT LOT 1;

THENCE ALONG SAID WEST LINE NORTH 00°00'44" WEST 20.00 FEET TO THE SOUTH LINE OF THE COUNTY ROAD EASEMENT;

THENCE ALONG SAID SOUTH LINE NORTH 89°48'40" EAST 1257.02 FEET;

THENCE NORTH 00°11'18" WEST 25.00 FEET TO THE NORTH LINE OF SECTION 4;

THENCE ALONG SAID NORTH LINE NORTH 89°48'40" EAST 45.00 FEET TO THE TRUE POINT OF BEGINNING.