

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

RECEIVED

NOV 08 2005

Department of Water Resources

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 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
67-4129A					
67-11229					

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) is 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**.

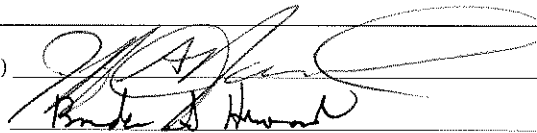
3. Name and Address of Former Owner/Claimant(s) Earl M. and Katherine M. Upah
2348 Orchard Road, Council, ID 83612
4. New Owner/Claimant(s) Jeffrey S. and Brenda G. Howard
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 2035 Council-Cuprum Road
 City, State and ZIP Code Council, ID 83612
 New Telephone Number (623) 703-2711
5. Date you acquired the property June 10, 2005

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.

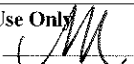
DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, 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)


Bruce A. Howard

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 <u>11.8.05</u>	Fee <u>\$ 25.00/KC</u>	
Received by _____	Date _____	Receipt No. <u>0091574</u>	
Processed by _____	AJ Date _____	WR _____	Date _____

RECORDING REQUESTED BY
Lawyers Title Insurance Corporation
AND WHEN RECORDED MAIL TO:

JEFFREY S. HOWARD
BRENDA G. HOWARD
2609 N. 127TH AVENUE
PHOENIX, AZ 85323

Instrument # 109146

COUNCIL, ADAMS, IDAHO

2005-06-15

03:47:25 No. of Pages: 4

Recorded for: TIMBERLINE TITLE & ESCROW

MICHAEL FISK

Fee: 12.00

Ex-Officio Recorder Deputy *[Signature]*

Index to: DEED

ESCROW NO.: 01455909 - 605 - SH2

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Warranty Deed

For the consideration of Ten Dollars, and other valuable considerations, I or we,
Katherine M. Upah, a widow and The Heirs and Devisees of Earl M. Upah, deceased
do/does hereby convey to
Jeffrey S. Howard and Brenda G. Howard, husband and wife
the following real property situated in ADAMS County, IDAHO:

SEE ATTACHED EXHIBIT "A"

SUBJECT TO: Current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations, and liabilities as may appear of record.

And I or we do warrant the title against all persons whomsoever, subject to the matters set forth above.

Dated: June 9, 2005

SELLERS:

The Heirs and Devisees of Earl M. Upah, deceased

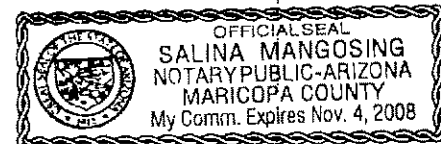
[Signature]
Jeffrey S. Howard, Personal Representative of the Estate of
Earl M. Upah

Katherine M. Upah by Paula Schuck
Katherine M. Upah by Paula Schuck as her Attorney in Fact
as her attorney & is in fact

State of Arizona

County of Maricopa

} SS:



On June 9, 2005 before me personally appeared Jeffrey S. Howard, whose identity was proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this document and who acknowledged that he/she signed the above/attached document in his or her authorized capacity (ies)

(Seal)

Salina Mangosing
Notary Public
Commission Expires: _____

Escrow No.: 01455909 - 605 - SH2

State of Idaho

County of Adams

} SS:

On _____, 20__, before me personally appeared Paula Schuck, whose identity was proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this document and who acknowledged that he/she signed the above/attached document in his or her authorized capacity (ies)

(Seal)

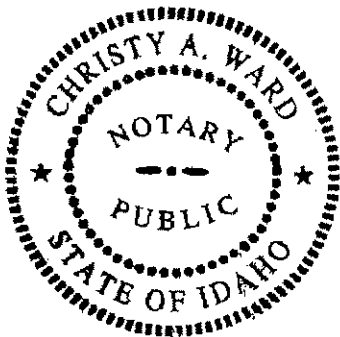
Notary Public

Commission Expires: _____

STATE OF IDAHO)
) ss
County of Adams)

On this 10th day of June, in the year of 2005, before me, a Notary Public in and for said State, personally appeared PAULA SCHUCK, known or identified to me to be the person whose name is subscribed to the within instrument as the attorney in fact of KATHERINE M. UPAH and acknowledged to me that she subscribed the name of KATHERINE M. UPAH thereto as principal, and her own name as attorney in fact.

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



Christy A. Ward
Notary Public for Idaho
Residing at *Indian Valley*
Commission expires: *9-17-10*

EXHIBIT "A"

Lot 2 of Block 3, Council Valley Orchards, as said lot and block are set forth on the official plat thereof recorded in the Adams County Recorder's Office.

AND

A portion of the public road as platted in the First Addition to Council Valley Orchards Subdivision as set forth on the official plat thereof filed in Book 1 Plats page 20 in the Adams County Recorder's Office, and situated in the SE1/4NW1/4 of Section 2, Township 16 North, Range 1 West, Boise Meridian, more particularly described as follows:

Commencing at the Southeast corner of said SE1/4NW1/4;
Thence N 00° 11'15" W along the Easterly boundary of said SE1/4NW1/4 a distance of 20.00 feet;
Thence N 89° 55'43" W parallel with the Southerly boundary of said SE1/4NW1/4 a distance of 20.00 feet to the Real Point of Beginning;
Thence continuing N 89° 55'43" W a distance of 648.26 feet;
Thence N 00° 07'22" W a distance of 22.47 feet to the Southwest corner of Lot 2, Block 3, Council Valley Orchards Subdivision;
Thence N 89° 51'09" E along the Southerly boundary of said Lot 2 a distance of 648.23 feet to the Southeast corner of said Lot 2;
Thence S 00° 11'15" E parallel with said Easterly boundary a distance of 24.94 feet to the Real Point of Beginning;

