

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

RECEIVED

SEP 05 2006

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<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 34-28900              | 34-13934                     |       |                       |                              |       |
|                       | 34-13935                     |       |                       |                              |       |
| 34-227300             | 34-13936                     |       |                       |                              |       |
|                       | 34-13937                     |       |                       |                              |       |
| 34-249200             | 34-13938                     |       |                       |                              |       |
|                       | 34-13939                     |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

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) Ronald E. Babneau
4. New Owner/Claimant(s) Gary L. or Linda L. Kimball  
Name/Connector (Check one) ☐ and, ☒ or, ☐ and/or
- New Mailing Address P.O. Box 273
- City, State and ZIP Code Mackay, ID 83251-0273
- New Telephone Number 208 588-3080
5. Date you acquired the property April 27, 2006

SUPPORT DATA

IN FILE # 34-289

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<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other                                                                                                                   | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other                                                                                                                   | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

7. Signature of New Owner(s) or Claimant(s) \_\_\_\_\_  
(include title if applicable)

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 TR Date 5-29-06 Fee \$75 / \$225  
 Received by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. E032192 / E033075  
 Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date 12/27/07

**RECORDING REQUESTED BY**  
First American Title Company

**AND WHEN RECORDED MAIL TO:**  
First American Title Company  
168 West Pacific/P.O. Box 868  
Blackfoot, ID 83221

# **233894**

Custer County Req. of

*First American Title*

Time *2:50 P.M.* Date *4/20/06*

Ethel M. Peck, Clerk

*Ruth Brunken \$9.00*  
Deputy

Space Above This Line for Recorder's Use Only

**WARRANTY DEED**

File No.: 158570-B (ld)

Date: April 24, 2006

For Value Received, Ronald E. Babneau and Lori P. Babneau, husband and wife, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto Gary L. Kimball and Linda L. Kimball, wife and husband, hereinafter called the Grantee, whose current address is P.O. Box 273, Mackay, Idaho 83251, the following described premises, situated in Custer County, Idaho, to-wit:

**TOWNSHIP 6 NORTH, RANGE 25 E.B.M., CUSTER COUNTY, IDAHO**  
**SECTION 4; LOTS 1 AND 2, EXCEPT: A PARCEL OF LAND GENERALLY DESCRIBED AS A**  
**PORTION OF THE W $\frac{1}{2}$ W $\frac{1}{2}$  OF LOT 2, SECTION 4, TOWNSHIP 6 NORTH, RANGE 25 E.B.M.,**  
**CUSTER COUNTY, IDAHO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**  
**COMMENCING AT THE N $\frac{1}{4}$  CORNER OF SAID SECTION 4; THENCE S. 89°01'16" E. ALONG**  
**THE NORTH BOUNDARY OF SAID LOT 2, SECTION 4, A DISTANCE OF 30.00 FEET TO THE**  
**POINT OF BEGINNING; THENCE S. 89°01'16" E. ALONG THE NORTH BOUNDARY OF SAID LOT**  
**2, A DISTANCE OF 303.22 FEET; THENCE S. 00°25'58" E., PARALLEL TO THE EAST BOUNDARY**  
**OF THE W $\frac{1}{2}$ W $\frac{1}{2}$  OF SAID LOT 2, A DISTANCE OF 892.90 FEET; THENCE N. 89°01'16" W.,**  
**PARALLEL TO THE NORTH BOUNDARY OF SAID LOT 2, A DISTANCE OF 62.00 FEET; THENCE**  
**S. 00°25'58" E., PARALLEL TO THE EAST BOUNDARY OF THE W $\frac{1}{2}$ W $\frac{1}{2}$  OF SAID LOT 2, A**  
**DISTANCE OF 572.25 FEET TO THE SOUTH BOUNDARY OF SAID LOT 2, SECTION 4; THENCE**  
**N. 89°52'23" W. ALONG THE SOUTH BOUNDARY OF SAID LOT 2, A DISTANCE OF 271.03 FEET**  
**TO THE SW CORNER OF SAID LOT 2; THENCE N. 00°26'16" W. ALONG THE WEST BOUNDARY**  
**OF SAID LOT 2, A DISTANCE OF 745.53 FEET; THENCE S. 89°01'16" E., PARALLEL TO THE**  
**NORTH BOUNDARY OF SAID LOT 2, A DISTANCE OF 30.00 FEET; THENCE N. 00°26'16" W.,**  
**PARALLEL TO THE WEST BOUNDARY OF SAID LOT 2, A DISTANCE OF 723.66 FEET TO THE**  
**POINT OF BEGINNING.**

**ALSO EXCEPT COUNTY ROAD ALONG NORTHERLY BOUNDARY THEREOF.**

**TOWNSHIP 7 NORTH, RANGE 25 E.B.M., CUSTER COUNTY, IDAHO**  
**SECTION 33: S $\frac{1}{2}$ NE $\frac{1}{4}$ ; N $\frac{1}{2}$ SE $\frac{1}{4}$ ; S $\frac{1}{2}$ SE $\frac{1}{4}$ ,**

233894

Date: 04/24/2006

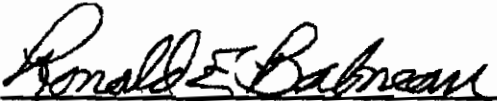
Warranty Deed  
- continued

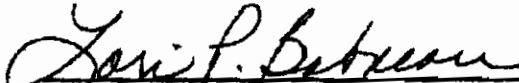
File No.: 158370-B (3d)

**EXCEPT: COMMENCING AT THE NE CORNER OF SAID SECTION 33 AND PROCEEDING S. 00°15'38" E. 1327.46 FEET ALONG THE EAST LINE OF SAID SECTION 33 TO THE N 1/16 CORNER COMMON TO SECTIONS 33 AND 34, ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING S. 00°15'38" E. 1327.46 FEET, ALONG SAID EAST LINE TO THE E 1/4 CORNER OF SAID SECTION 33, THENCE S. 00°15'48" E. ALONG THE EAST LINE OF SAID SECTION 33, 507.73 FEET TO THE APPROXIMATE CENTERLINE OF THE IRRIGATION CANAL; THENCE DEPARTING SAID EAST LINE OF SAID SECTION 33 AND PROCEEDING NORTHWESTERLY ALONG THE APPROXIMATE CENTERLINE OF THE IRRIGATION CANAL THE FOLLOWING EIGHT (8) COURSES: N. 45°33'45" W. 174.00 FEET; THENCE N. 41°28'27" W. 318.69 FEET; THENCE N. 30°09'46" W. 158.73 FEET; THENCE N. 48°51'14" W. 353.79 FEET; THENCE N. 39°10'50" W. 348.22 FEET; THENCE N. 48°28'46" W. 190.24 FEET; THENCE N. 43°14'55" W. 432.70 FEET; THENCE N. 38°08'38" W. 538.05 FEET TO A POINT ON THE NORTH LINE OF THE S 1/2 OF THE NE 1/4 OF SAID SECTION 33; THENCE DEPARTING SAID APPROXIMATE CENTERLINE AND PROCEEDING S. 88°58'25" E. ALONG SAID NORTH LINE, 1664.59 FEET TO THE POINT OF BEGINNING.**

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

  
Ronald E. Babneau

  
Lori P. Babneau

233894

Date: 04/24/2006

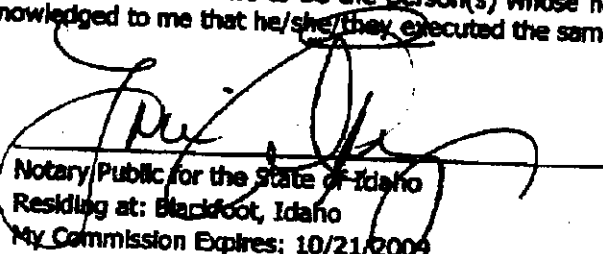
Warranty Deed  
- continued

File No.: 158570-B (1d)

STATE OF Idaho )  
COUNTY OF Bingham )  
SS.

On this 24th day of April, 2006, before me, a Notary Public in and for said State, personally appeared Ronald E. Babneau and Lori P. Babneau, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



  
Notary Public for the State of Idaho  
Residing at: Blackfoot, Idaho  
My Commission Expires: 10/21/2009