

Form 42-248/42-1408(6) July, 2000

JUL 24 2006

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

RECEIVED

JUL 20 2006

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 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
ADJ 47-2321					
PD 47-1264					
WR 47-7901					

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):
FLAT 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 **FLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) June H Kunkel Glenn R. Kunkel
4. New Owner/Claimant(s) Phyllis J. Davis and David E. Kunkel and Thomas M. Kunkel
Name Connector (Check one): () and, () or, () and/or
- New Mailing Address 2295 E. 1900 N
- City, State and ZIP Code Twin Falls, ID 83301
- New Telephone Number (208) 655-4357
5. Date you acquired the property 2-14-06

SUPPORT DATA

IN FILE # 47-7901

Form 42-248/42-1409(6) July, 2006

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) Thomas M. Kunkel
(include title if applicable) David E. Kunkel, POA 02-24-06
Phyllis J. Davis

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 [Signature] Date 7/20/06 Fee 50.00
 Received by [Signature] Date 7/21/06 Receipt No. 5028801
 Processed by AJ Date _____ WR _____ Date _____

COPY

TWIN FALLS COUNTY
RECORDED FOR:
VOORHEES LAMURE
3:57:09 pm 02-14-2006
2006-003661
NO. PAGES: 2 FEE: \$6.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: COUNBAR

PERSONAL REPRESENTATIVE'S DEED OF DISTRIBUTION

THIS DEED, made by **Thomas M. Kunkel**, as personal representative of the Estate of Glenn Robert Kunkel, hereinafter referred to as Grantor, to **Phyllis J. Davis** who resides at NW Gig Harbor, Washington, **David E. Kunkel** who resides at Arlington, Virginia, and **Thomas M. Kunkel** who resides at Twin Falls, Idaho, hereinafter referred to collectively as Grantees, each taking title as married persons (to other persons) as their respective sole and separate property, including income thereon.

WHEREAS, Grantor is the qualified personal representative of said Estate, filed as Case No. CV-05-1861, in Twin Falls County, Idaho;

WHEREAS, Grantees are entitled to distribution of certain real property, hereinafter described, from the Estate.

THEREFORE, Grantor grants, transfers, conveys and distributes all of the right, title and interest of Estate to Grantees the following described real property in Twin Falls County, Idaho:

PARCEL NO. 1

Township 13 South, Range 16 East, Boise Meridian, Twin Falls County, Idaho
Section 16: Located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ more particularly described as follows:
BEGINNING at the East quarter corner of said Section 16, said corner also lies South 0°1'44" East 2629.78 feet from the Northeast corner of said Section 16;
THENCE South 89°44'7" West 1759.57 feet to the point on the South boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$;
THENCE South 89°44'7" West 735.72 feet along the South line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ to a point on the East right-of-way of the Oregon Shortline Railroad;
THENCE North 0°1'42" West 664.40 feet along said railroad right-of-way;
THENCE South 89°58'14" West 50.00 feet along said railroad right-of-way;
THENCE North 0°1'42" West 653.66 feet along said railroad right-of-way to a point on the North boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$;
THENCE North 89°48'40" East 785.70 feet along the North line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$;
THENCE South 0°1'46" East 1317.23 feet to the REAL POINT OF BEGINNING.

PARCEL NO. 2

Township 13 South, Range 16 East, Boise Meridian, Twin Falls County, Idaho
Section 16: That portion of land lying in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and being more particularly described as a strip of land 100-feet-wide being 50 feet on each side of the centerline of the main track of the Hollister Branch of the Oregon Short Line Railroad as same is now located over and across the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$, the course of centerline of track being more particularly described as follows:
BEGINNING at the intersection of said centerline of track with the North line of said Section and 59.8 feet East of the North quarter section corner thereof;

THENCE southerly along a straight line for a distance of 3,939 feet, more or less, to a point in the South line of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 61.2 feet, more or less, East of the Southwest corner thereof.

AND

Township 13 South, Range 16 East, Boise Meridian, Twin Falls County, Idaho

Section 16: That portion of land lying in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and being more particularly described as an irregular tract of land lying in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$; said irregular tract of land being more particularly described as follows:

BEGINNING at a point in the easterly right-of-way boundary of the Hollister Branch of the Oregon Short Line Railroad and 1,933.4 feet South and 110.8 feet East of the North quarter section corner of said Section 16;

THENCE South 0°46' West 50 feet easterly from and parallel with the centerline of main track of said railroad for a distance of 1,005 feet;

THENCE North 44°14' East for a distance of 70.7 feet to a point 100 feet easterly, measured at right angles, from said centerline of track;

THENCE North 0°46' East 100 feet easterly from and parallel with said centerline of track for a distance of 955 feet;

THENCE North 89°14' West for a distance of 50 feet to the POINT OF BEGINNING.

with all appurtenances.

This conveyance is made without warranty of the accuracy of the legal description and status of encumbrances, if any. No policy of title insurance accompanies this conveyance.

EXECUTED this 13th day of February 2006.



THOMAS M. KUNKEL

Personal Representative of the Estate of
Glenn Robert Kunkel

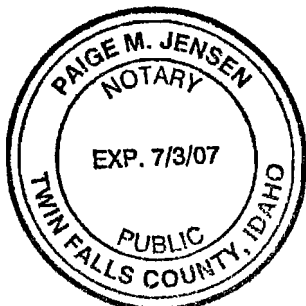
STATE OF IDAHO)

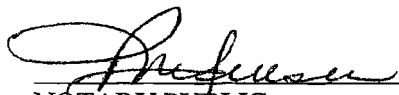
: ss

COUNTY OF TWIN FALLS)

On this 13th day of February 2006, before me, the undersigned, a notary public in and for said state, personally appeared, THOMAS M. KUNKEL, known or identified to me to be the person whose name is subscribed to the within instrument, as Personal Representative of the Estate of Glenn Robert Kunkel, and acknowledged to me that she 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.




NOTARY PUBLIC
Residing at: Twin Falls, ID
My Commission Expires: 7-3-07

TWIN FALLS COUNTY

RECORDED FOR:
VO EES LAMURE
3:58:50 pm 02-14-2006
2006-003662

NO. PAGES: 3 FEE: \$9.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: COUNBAR

COPY

PERSONAL REPRESENTATIVE'S DEED OF DISTRIBUTION

THIS DEED, made by **Thomas M. Kunkel**, as personal representative of the Estate of Glenn Robert Kunkel, Grantor, to **Thomas M. Kunkel and Ethel Ann Kunkel**, husband and wife, Grantee, whose current address is 2295 E. 1900 N., Twin Falls, Idaho 83301.

WHEREAS, Grantor is the qualified personal representative of said Estate, filed as Case No. CV-05-1861, in Twin Falls County, Idaho;

WHEREAS, Grantee is entitled to distribution of certain real property, hereinafter described, from the Estate.

THEREFORE, Grantor grants, transfers, conveys and distributes all of the right, title and interest of Estate to Grantee the following described real property in Twin Falls County, Idaho:

PARCEL NO. 1

Township 13 South, Range 16 East, Boise Meridian, Twin Falls County, Idaho
Section 28: SE $\frac{1}{4}$

PARCEL NO. 2

Township 13 South, Range 16 East, Boise Meridian, Twin Falls County, Idaho
Section 33: NE $\frac{1}{4}$

EXCEPT a strip of land 40-feet-wide on the West side of the following-described centerline of highway as surveyed and shown on the official plat of the Sawtooth Park S A P 180 (7) Highway Survey on file in the office of the Department of Public Works of the State of Idaho, and lying over and across the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, Township 13 South, Range 16 East, Boise Meridian.

BEGINNING at Station 152+13 of said Highway Survey which station is a point on tangent approximately 1320 feet North from the East quarter corner of Section 33; THENCE running North 9°8'30" East 1501.3 feet to Station 167+14.3 of said survey which station is a point on tangent approximately coincident with the Northeast corner of Section 33.

AND EXCEPT a strip of land 100.0-feet-wide on the westerly side of the following-described centerline of Highway as surveyed and shown on the official plat of U.S. Highway 93, Project No. F-FG 2391 (5) Highway Survey on file in the office of the Department of Highways of the State of Idaho and lying over and across the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, Township 13 South, Range 16 East, Boise Meridian;

BEGINNING at Station 1070+10 of the said Highway Survey which station is a point on tangent approximately coincident with the East quarter corner of Section 33;

THENCE running North 0°04'30" West 1309.5 feet to Station 1083+19.5 of said survey which station is a point on tangent approximately coincident with the Northeast corner of the said SE¼NE¼ and being approximately 1310.0 feet North from the East quarter corner of Section 33.

AND ALSO

Township 13 South, Range 16 East, Boise Meridian, Twin Falls County, Idaho
Section 28: A strip of land 100.0-feet-wide situate in the W½SE¼ of Section 33, being 50.0 feet on each side, measured normally from the hereinafter described centerline of the abandoned main track of the Wells Branch of the Oregon Short Line Railroad Company, as formerly constructed and operated, and extending southerly from the East-West centerline to the South line of said Section 28.

Said centerline of abandoned main track; herein above referred to, is described as follows:

BEGINNING at a point in the North line of said Section 28, which is 54.4 feet distant easterly, measured along said North line from the North quarter corner of said Section 28;

THENCE southerly at an angle of 90°00' from West to South with said North line a distance of 5,270.9 feet to a point in the South line of said Section 28, which is 68.7 feet distant easterly, measured along said South line from the South quarter corner of said Section 28 and the end of the centerline hereby described.

AND ALSO

Township 13 South, Range 16 East, Boise Meridian, Twin Falls County, Idaho
Section 33: A strip of land 100.0-feet-wide situate in the W½NE¼ of Section 33, being 50.0 feet on each side, measured normally from the hereinafter described centerline of the abandoned main track of the Wells Branch of the Oregon Short Line Railroad Company, as formerly constructed and operated, and extending southerly from the North line to the East-West centerline of said Section 33.

Said centerline of abandoned main track, hereinabove referred to, is described as follows:

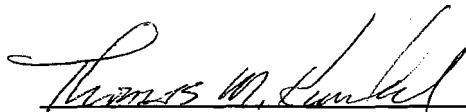
BEGINNING at a point in the North line of said Section 33, which is 68.7 feet distant easterly, measured along said North line from which the North quarter corner of said Section 33;

THENCE southerly at an angle of 89°42' from West to South with said North line a distance of 5,312.1 feet to a point in the South line of said Section 33 which is 60.7 feet distant easterly, measured along said South line from which the South quarter corner of said Section 33 and the end of the centerline hereby described.

with all appurtenances.

This conveyance is made without warranty of the accuracy of the legal description and status of encumbrances, if any. No policy of title insurance accompanies this conveyance.

EXECUTED this 13th day of February, 2006.



THOMAS M. KUNKEL

Personal Representative of the Estate of
Glenn Robert Kunkel

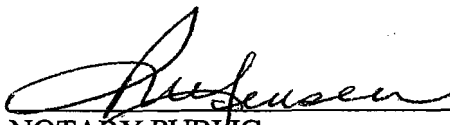
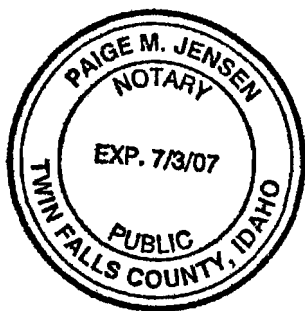
STATE OF IDAHO)

: ss

COUNTY OF TWIN FALLS)

On this 13th day of February, 2006, before me, the undersigned, a notary public in and for said state, personally appeared, THOMAS M. KUNKEL, known or identified to me to be the person whose name is subscribed to the within instrument, as Personal Representative of the Estate of Glenn Robert Kunkel, and acknowledged to me that she 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.



NOTARY PUBLIC

Residing at:

Twin Falls, ID

My Commission Expires:

7-3-07

COPY

TWIN FALLS COUNTY
RECORDED FOR:
VOORHEES LAMURE
4:29:48 pm 03-02-2006
2006-005199
NO. PAGES: 2 FEE: \$6.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: COUNBAR

LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: that **DAVID E. KUNKEL**, hereinafter referred to as Grantor, of Arlington County, State of Virginia, has made, constituted and appointed, and by these presents does make, constitute and appoint **THOMAS M. KUNKEL** of Twin Falls County, State of Idaho, as Grantor's true and lawful attorney for and in grantor's name, place and stead, and for Grantor's use and benefit to perform, act, and accomplish the following purpose:

To execute any and all instruments of conveyance, grant, sale, or transfer pertaining to land I own an interest in, more particularly described as follows:

PARCEL NO. 1

Township 13 South, Range 16 East, Boise Meridian, Twin Falls County, Idaho
Section 16: Located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ more particularly described as follows:
BEGINNING at the East quarter corner of said Section 16, said corner also lies South 0°1'44" East 2629.78 feet from the Northeast corner of said Section 16;
THENCE South 89°44'7" West 1759.57 feet to the point on the South boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$;
THENCE South 89°44'7" West 735.72 feet along the South line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ to a point on the East right-of-way of the Oregon Shortline Railroad;
THENCE North 0°1'42" West 664.40 feet along said railroad right-of-way;
THENCE South 89°58'14" West 50.00 feet along said railroad right-of-way;
THENCE North 0°1'42" West 653.66 feet along said railroad right-of-way to a point on the North boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$;
THENCE North 89°48'40" East 785.70 feet along the North line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$;
THENCE South 0°1'46" East 1317.23 feet to the REAL POINT OF BEGINNING.

PARCEL NO. 2

Township 13 South, Range 16 East, Boise Meridian, Twin Falls County, Idaho
Section 16: That portion of land lying in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and being more particularly described as a strip of land 100-feet-wide being 50 feet on each side of the centerline of the main track of the Hollister Branch of the Oregon Short Line Railroad as same is now located over and across the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$, the course of centerline of track being more particularly described as follows:
BEGINNING at the intersection of said centerline of track with the North line of said Section and 59.8 feet East of the North quarter section corner thereof;
THENCE southerly along a straight line for a distance of 3,939 feet, more or less, to a point in the South line of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 61.2 feet, more or less, East of the Southwest corner thereof.

AND

Township 13 South, Range 16 East, Boise Meridian, Twin Falls County, Idaho
Section 16: That portion of land lying in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and being more particularly described as an irregular tract of land lying in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$; said irregular tract of land being more particularly described as follows:

BEGINNING at a point in the easterly right-of-way boundary of the Hollister Branch of the Oregon Short Line Railroad and 1,933.4 feet South and 110.8 feet East of the North quarter section corner of said Section 16;

THENCE South 0°46' West 50 feet easterly from and parallel with the centerline of main track of said railroad for a distance of 1,005 feet;

THENCE North 44°14' East for a distance of 70.7 feet to a point 100 feet easterly, measured at right angles, from said centerline of track;

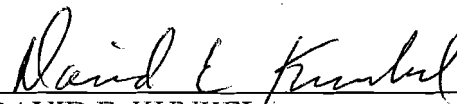
THENCE North 0°46' East 100 feet easterly from and parallel with said centerline of track for a distance of 955 feet;

THENCE North 89°14' West for a distance of 50 feet to the POINT OF BEGINNING.

This limited power of attorney shall remain in full force and effect until the earlier of my death, a recordation of revocation of power of attorney is filed in the public records of Twin Falls County, Idaho, or the date on which my interest in all of the above-described land is fully divested.

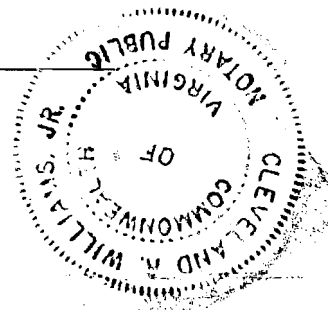
Giving and granting unto **THOMAS M. KUNKEL**, attorney-in-fact, full power and authority to do and perform with respect to the foregoing described purpose every act and thing whatever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as they might or could do if personally present with full power of substitution or revocation, hereby ratifying and confirming all that Grantor's said attorney substitute or substitutes shall lawfully do or cause to be done by virtue of the presents.

IN WITNESS WHEREOF, I have hereunto set my hand this 24 day of February 2006.



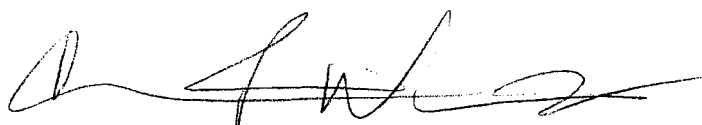
DAVID E. KUNKEL

STATE OF VIRGINIA)
)ss.
COUNTY OF ARLINGTON)



On this 24 day of FEBRUARY, 2006, before me, the undersigned, a Notary Public for Idaho, personally appeared **David E. Kunkel**, known to me to be the person whose name is subscribed to in the foregoing instrument, and acknowledged to me that he executed the same.

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



NOTARY PUBLIC of VIRGINIA
Residing at: 3140 N. WASHINGTON BLVD
My Com. Exp.: 10/31/2007

VOORHEES LAMURE LLP

Attorneys at Law
112 Shoshone Street East
Key Bank Center ~ 2nd Level
P.O. Box Z
Twin Falls, Idaho 83303-0090
208.736.6000

Fax 208.736-6001

voorhees@justice.com

lamure@justice.com

July 19, 2006

Atten: Trish Fawcett

ID Dept of Water Resources
1341 Fillmore St. ~ Ste 200
Twin Falls, ID 83301

RECEIVED
JUL 20 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

RE: June H. Kunkel and Glenn R. Kunkel

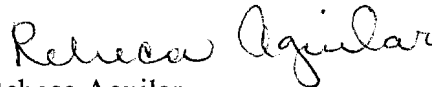
Dear Ms. Fawcett:

Enclosed please find the **original**, executed Notice of Change in Water Right Ownership Form and a check in the sum of **\$50** for the processing fee.

In addition, copies of the deeds with the legal descriptions for the properties involved and a Limited Power of Attorney, authorizing Thomas M. Kunkel to sign on his sibling's behalf, are attached.

If you have any questions or need further information, please feel free to contact our office at (208) 736-6000.

Sincerely,



Rebeca Aguilar
Legal Assistant to:
Dennis S. Voorhees
Attorney at Law

ra

Enclosures