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OCT 2 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

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
pd 36-73					
pd 36-71B					
pd 36-72					
pd 36-74					

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)

Judy Osborne & Layne Osborne
996 Justice Grade, Hagerman, ID.
Jonathan L. Hess & Jemi L. Hess 83332

4. New Owner/Claimant(s)

Name Connector (Check one): ☐ and, ☐ or ☒ and/or

New Mailing Address

P.O. Box 540

City, State and ZIP Code

Hagerman, ID. 83332

New Telephone Number

()

5. Date you acquired the property

10/23/2007

SUPPORT DATA

IN FILE # 36-71B

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)

[Handwritten signatures: Sami L. Hest and John L. Hest]

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 <i>[Signature]</i>	Date <u>10/31/07</u>	Fee <u>\$100</u>
Received by <i>[Signature]</i>	Date <u>11/1/07</u>	Receipt No. <u>5029812</u>
Processed by _____ AJ	Date _____	WR _____ Date _____

WARRANTY DEED

#GG-08544

For Value Received

Layne Osborne and Judy Osborne, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Jonathan L. Hess and Jami L. Hess, husband and wife
Address: P.O. Box 540, Hagerman, ID 83332

Hereinafter called the Grantee, the following described premises situated in **Gooding** County, Idaho, to-wit:

See Attached Schedule A

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to Water Right Numbers 36-74; 36-73; 36-72; 36-71B from the Idaho Department of Water Resources and 72.0 Shares from John Bell Ditch.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

2007 taxes are an accruing lien, the first one-half of which is not delinquent until after December 20, 2007.

Assessments levied or to be levied by any local irrigation district.

Easement given by Mrs. Willa A. Justice to The Mountain States Telephone and Telegraph Co., dated October 14, 1946; recorded February 19, 1947 in Book 5 of Miscellaneous Page 182 as Instrument Number 99773; records of Gooding County, State of Idaho; over and across the NE¼NE¼ of Section 11, Township 7 South, Range 13, East Boise Meridian.

Power Line Easement given by Willa Justice, a widow, to Idaho Power Company, dated April 15, 1948; recorded April 15, 1948 in Book 5 Miscellaneous Page 301 as Instrument Number 105376; records of Gooding County, State of Idaho; within the NE¼NE¼ of Section 11, Township 7 South, Range 13, East Boise Meridian.

Power Line Easement given by Mrs. Willa Justice, a widow, to Idaho Power Company, dated April 12, 1949; recorded March 8, 1950 in Book 5 of Miscellaneous Page 512 as Instrument Number 111132, records of Gooding County, State of Idaho; for an electric transmission line over and across the NE¼NE¼ Section 11, Township 7 South, Range 13, East Boise Meridian.

Power Line Easement given by Willa A. Justice, a widow, to Idaho Power Company dated April 3, 1953; recorded May 29 1953 in Book 7 of Miscellaneous Page 254 as Instrument Number 121499, records of Gooding County, State of Idaho; right of way and easement for transmission line over and across the NE¼NE¼ of Section 11, Township 7 South, Range 13, East Boise Meridian.

Instrument # 223914

GOODING, GOODING, IDAHO

2007-10-23 11:19:43 No. of Pages: 5

Recorded for : LAND TITLE

DENISE M. GILL

Fee: 15.00

Ex-Officio Recorder Deputy



Page 2 of Warranty Deed

The effect of Warranty Deed from Marjorie Justice Thomas and Daniel Thomas, her husband, as Grantors, and the State of Idaho, as Grantee; dated August 7, 1962, recorded August 29, 1962 as Instrument Number 5500; records of Gooding County, State of Idaho, wherein Grantors agree that no buildings or structures, except irrigation or drainage structures will be permitted to be constructed within 20 feet and that no billboards or other advertising signs will be permitted closer than 100 feet, excepting signs pertaining to business established on land adjacent to the described real property, which is a portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Township 7 South, Range 13, East Boise Meridian and being on both sides of the center line of U.S. Highway 30 Project No. F-2361(18) Highway Survey as shown on the plans thereof now on file in the office of the Department of Highways of the State of Idaho. The Grantors further relinquish to the Grantee all existing, future, or potential common law or statutory easements of access between the rights of way of the public way identified as F-2361(18) and all of the contiguous remaining real property of the Grantor whether acquired by separate conveyance or otherwise, of which the real property covered by aforementioned instrument is a part, where said remaining real property abuts on the Westerly side of the said public way, except for 20 foot approach opposite station 258+55.

Easement given by Marjorie Justice Thomas and Daniel Thomas, her husband, to the State of Idaho; dated August 7, 1962; recorded August 29, 1962; as Instrument Number 5501; records of Gooding County, State of Idaho; granting the right to go upon, occupy and use a portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Township 7 South, Range 13, East Boise Meridian, more particularly described as follows: A strip of land of variable widths adjacent and contiguous to and parallel with the Easterly Right of Way boundary of U.S. Highway 30 Project No F-2361(18) Highway Survey as shown on the plans thereof now on file in the office of the Department of Highways of the State of Idaho; being 10.0 feet wide between the South line of the North 208.0 feet of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2 and Station 249+25 of said Highway Survey, 15.0 feet between Stations 249+25 and 262+25 and 10.0 feet wide between Station 262+25 and 267+50 of said Highway Survey.

Power Line Easement given by Marjorie Justice Thomas, a single person to Idaho Power Company, a corporation, dated October 6, 1971, recorded April 11, 1972 as Instrument Number 39936, Gooding County records, affecting the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, Township 7 South, Range 13 East Boise Meridian.

Power Line Easement given by Marvin Andersen and Anita G. Andersen, his wife to Idaho Power Company, a corporation, dated October 6, 1971, recorded April 11, 1972 as Instrument Number 39937, Gooding County records, affecting the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, Township 7 South, Range 13 East Boise Meridian.

Point of Access 20 feet in width for residential use, as set forth in Quitclaim Deed by and between The State of Idaho, acting by and through its Idaho Board of Highway Directors, party of the first party, and Marvin L. Andersen, party of the second part, dated December 11, 1972, recorded March 8, 1973 as Instrument Number 44427, records of Gooding County, Idaho.

Power Line Easement given by Marin L. Andersen and Anita L. Andersen, his wife to Idaho Power Company, a corporation, dated April 27, 1973, recorded March 22, 1974 as Instrument Number 49400, Gooding County records, affecting the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, Township 7 South, Range 13 East Boise Meridian.

Easement Agreement by and between Hagerman Highway District, party of the first part and Hugh E. Arterburn and Evelyn V. Arterburn, husband and wife, party of the second part, dated February 25, 1977, recorded March 15, 1977 as Instrument Number 63741, records of Gooding County, Idaho.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Page 3 of Warranty Deed

Dated: October 22, 2007

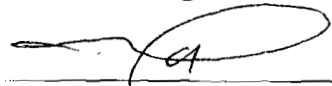

Layne Osborne


Judy Osborne

STATE OF IDAHO)
) ss.
COUNTY OF Gooding)

On this 22 day of **October, 2007**, before me, the undersigned, a Notary Public in and for said State, personally appeared **Layne Osborne and Judy Osborne**, 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.

Lisa Ritter
Notary Public
State of Idaho


Notary Public
Residing at: Gooding, ID
My Commission expires: 10/8/10

TOWNSHIP 7 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 11: A parcel of land located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, being more particularly described as follows:

Commencing at the Northeast Section corner of said Section 11 from which the North One Quarter (N $\frac{1}{4}$) corner of said Section 11 bears South 89°58'56" West - 2630.01 feet;

Thence South 89°58'56" West along the North boundary of the NE $\frac{1}{4}$ of said Section 11 for a distance of 29.68 feet to a point on the approximate centerline of a county road commonly known as "Justice Grade", said point being the TRUE POINT OF BEGINNING;

Thence continuing South 89°58'56" West along the North boundary of the NE $\frac{1}{4}$ of said Section 11 for a distance of 106.06 feet;

Thence South 04°12'37" East for a distance of 75.01 feet;

Thence South 37°22'47" West for a distance of 35.34 feet;

Thence North 82°17'54" West for a distance of 119.58 feet;

Thence North 73°02'33" West for a distance of 35.97 feet;

Thence North 69°52'19" West for a distance of 221.60 feet to a point on the North boundary of the NE $\frac{1}{4}$ of said Section 11;

Thence South 89°58'56" West along the North boundary of the NE $\frac{1}{4}$ of said Section 11 for a distance of 722.93 feet to a point on the East right-of-way boundary of U.S. Highway 30, said point being a point on the arc of a non-tangent curve right;

Thence along the East right-of-way boundary of U.S. Highway 30 and along the arc of a non-tangent curve right for a distance of 874.09 feet, said arc having a radius of 22,968.32 feet, and a chord bearing and distance of South 01°18'07" West - 874.04 feet;

Thence continuing along the East right-of-way boundary of U.S. Highway 30 South 02°22'38" West for a distance of 245.93 feet to the point of curvature of a non-tangent curve left;

Thence continuing along the East right-of-way boundary of U.S. Highway 30 and along the arc of a non-tangent curve left for a distance of 195.23 feet to a point on the South boundary of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 11, said arc having a radius of 17,138.74 feet, and chord bearing and distance of South 02°04'29" West - 195.23 feet;

Thence South 89°50'07" East along the South boundary of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 11 for a distance of 438.81 feet;

Thence North 00°09'53" East for a distance of 152.40 feet;

Thence North 79°31'53" East for a distance of 53.00 feet;

Thence South 32°18'28" East for a distance of 192.24 feet (record - 200.60 feet) to a point on the South boundary of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 11;

Thence South 89°50'07" East along the South boundary of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 11 for a distance of 145.16 feet;

Thence North 44°56'30" East for a distance of 295.83 feet;

Thence North 10°25'10" East for a distance of 47.30 feet to a point on the approximate centerline of the county road commonly known as "Justice Grade";

Thence North 07°03'08" East along the approximate centerline of "Justice Grade" for a distance of 85.76 feet to the point of curvature of a non-tangent curve right;

Thence along the approximate centerline of "Justice Grade" and along the arc of the non-tangent curve right for a distance of 75.12 feet, said arc having a radius of 2952.10 feet, and chord bearing and distance of North 09°11'18" East - 75.12 feet;

Thence North 12°19'53" East along the approximate centerline of "Justice Grade" for a distance of 132.39 feet to the point of curvature of a non-tangent curve left;

Thence along the approximate centerline of "Justice Grade" and along the arc of the non-tangent curve left for a distance of 62.04 feet, said arc having a radius of 1208.58 feet, and chord bearing and distance of North 13°11'07" East - 62.04 feet;

Thence North 11°30'31" East along the approximate centerline of "Justice Grade" for a distance of 142.31 feet to the point of curvature of a non-tangent curve left;

Thence along the approximate centerline of "Justice Grade" and along the arc of the non-tangent curve left for a distance of 97.85 feet, said arc having a radius of 1476.79 feet, and chord bearing and distance of North 09°52'11" East - 97.83 feet;

Thence North 06°46'33" East along the approximate centerline of "Justice Grade" for a distance of 88.54 feet to the point of curvature of a non-tangent curve right;

Thence along the approximate centerline of "Justice Grade" and along the arc of the non-tangent curve right for a distance of 50.04 feet, said arc having a radius of 653.28 feet, and chord bearing and

distance of North $09^{\circ}27'53''$ East - 50.03 feet;
Thence North $12^{\circ}44'48''$ East along the approximate centerline of "Justice Grade" for a distance of 112.89 feet to the point of curvature of a non-tangent curve right;
Thence along the approximate centerline of "Justice Grade" and along the arc of the non-tangent curve right for a distance of 129.57 feet, said arc having a radius of 440.77 feet, and chord bearing and distance of North $25^{\circ}47'37''$ East - 129.11 feet;
Thence North $34^{\circ}06'29''$ East along the approximate centerline of "Justice Grade" for a distance of 136.19 feet to a point on the North boundary of the NE $\frac{1}{4}$ of said Section 11 and being the TRUE POINT OF BEGINNING.

THIS PLAT IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING THE LAND, AND THE CO. ASSUMES NO LIABILITY FOR VARIATIONS, IF ANY, WITH AN ACTUAL SURVEY.

