

DEV

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MAY 25 2007
Department of Water Resources
Eastern 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 IDWR will produce new water right number(s) for the split(s).

OK JC
+JB
6-22-07

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
WR 34-2285					
WR 34-10246					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. \$50 -
- 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)

Dennis + Sharon Moss

4. New Owner/Claimant(s)

LARRY DUNCAN

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

New Mailing Address

P.O. Box 459

City, State and ZIP Code

MOORE IDAHO 83255

New Telephone Number

(208) 680-2389

5. Date you acquired the property _____

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) Larry Duncan _____
 (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 _____
 Received by jc
 Processed by _____ AJ

Date _____
 Date 5-25-07
 Date _____

Receipt Amt. \$50 -
 Receipt No. E032933
 WR _____ Date _____

0037846

FILE No. 5454LRT

COPY

INSTRUMENT NO.

WARRANTY DEED

FOR VALUABLE CONSIDERATION RECEIVED DENNIS MOSS and SHARON MOSS aka SHARYN MOSS, husband and wife Grantor(s), do hereby grant, bargain, sell and convey unto LARRY E. DUNCAN and NANCY K. DUNCAN, Husband and Wife Grantee(s), whose current address is _____ the following described real estate situated in Butte County, State of Idaho, to wit:
See Exhibit A attached hereto and made a part hereof.

TO HAVE AND TO HOLD the described premises, together with all tenements, hereditaments and appurtenances thereunto belonging, unto the Grantee, his/her/it successors and assigns forever, Grantor does hereby covenant to and with the Grantee that he/she is the owner in fee simple of said premises and that he/she will warrant and defend the same from all lawful claims whatsoever.

DATED: January 29, 2002

Dennis Moss by Carol C. Moss
DENNIS MOSS (attorney in fact)

Sharon Moss AKA Sharyn Moss
SHARON MOSS aka SHARYN MOSS
NKA as Sharyn Barchers by Lloyd A. Bingham Notary Public
IN FACT

STATE OF IDAHO } ss.
COUNTY OF BUTTE
On this 29th day of January in the year 2002, before me, a Notary Public, personally appeared

THIS SPACE FOR COUNTY RECORDERS USE ONLY

Lloyd A. Bingham known or identified to me to be the person whose name is subscribed to the within instrument as the attorney in fact of Sharon Moss AKA Sharyn Moss AKA Sharyn Barchers and acknowledged to me that he/she subscribed the name of Sharon Moss AKA Sharyn Barchers and his (her) own name as attorney in fact.

NO. 0037846
RECORDED
FEB 04 2002
AM 3:55 PM
BUTTE COUNTY RECORDER
Amey King

Lloyd A. Bingham
Notary Public
Residing at Arco, Idaho
Ex. 5-31-2003

STATE OF IDAHO } ss.
COUNTY OF BUTTE
On this 4th day of February in the year 2002, before me, a Notary Public, personally appeared

Carol C. Moss known or identified to me to be the person whose name is subscribed to the within instrument as the attorney in fact of Dennis Moss and acknowledged to me that he/she subscribed the name of Dennis Moss and his (her) own name as attorney in fact.

title & Trust
X 50367, Idaho Falls, ID 83402

Lloyd A. Bingham
Notary Public
Residing at Arco, Idaho
Ex. 5-31-2003

0037846

Exhibit A

Township 5 North, Range 26 East of the Boise Meridian,

Section 15: The West 330 feet of the Southwest Quarter of the Northwest Quarter.

Section 16: The East half of the Northeast Quarter and that portion of the West half of the Northeast quarter described as follows:

Beginning at a point at the exact Southeast corner of said plot (West half of the Northeast quarter.) Thence 224 feet North to the True Point of Beginning, thence Northwesterly 452 feet to a point 250 feet due West of the East boundary, thence North along the "Moore" canal bank (East Bank) six feet from the waters edge to the North boundary of Section 16, thence East to the Northeast corner of the Northwest Quarter of the Northeast Quarter. Thence due South along the East boundary to the true Point of Beginning.

Excepting therefrom: A parcel of land generally described as that portion of the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of Section 16, Township 5 North, Range 26 East of the Boise Meridian, Butte County, Idaho, lying Easterly of the Big Lost River channel; being more particularly described as follows:

Beginning at the Northeast corner of said Section 16, thence North 89 degrees 22 minutes 46 seconds West along the North boundary of said Section 16, a distance of 45.47 feet to the centerline of the Big Lost River channel; thence along the centerline of the Big Lost River channel the following seven courses:

SOUTH 59° 51' 53" WEST, 254.54 FEET; SOUTH 36° 52' 46", 261.52 FEET; SOUTH 13° 23' 53" WEST; 289.96 FEET;
SOUTH 22° 23' 27" EAST, 117.68 FEET; SOUTH 36° 50' 37" EAST, 291.04 FEET; SOUTH 86° 04' 23" EAST, 252.11 FEET;
NORTH 54° 13' 06" EAST, 18.28 FEET TO THE EAST BOUNDARY OF SAID SECTION 16; THENCE ALONG THE
EAST BOUNDARY OF SAID SECTION 16, NORTH 00° 15' 33" EAST, 971.24 FEET TO THE NORTHEAST CORNER OF
SAID SECTION 16 AND POINT OF BEGINNING.

Also Excepting: A fraction of land in the Southeast 1/4 Northeast 1/4 Section 16, Township 5 North, Range 26, East of the Boise Meridian, described as follows: Beginning at the Southwest Corner of the Southeast Quarter of the Northeast Quarter, thence North 224 feet, thence Southeast 221 feet; thence Southerly 181 feet to the South boundary of the Southeast Quarter of the Northeast Quarter, thence West 314 feet to the Point of Beginning.

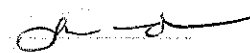
Cannon

12,123

David M. Cannon (ISB #5250)
MOSS, CANNON, CASTLETON, P.A.
Attorneys at Law
75 East Judicial Street
Blackfoot, Idaho 83221
Telephone: (208) 785-1940
Fax: (208) 785-1591

Attorneys for Defendant

2-23-04



IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM
MAGISTRATE DIVISION

NANCY KAY DUNCAN,	)	
	)	Case No. CV-03-2464
Plaintiff,	)	
	)	DECREE OF DIVORCE
vs.	)	
	)	
LARRY ELMER DUNCAN,	)	
	)	
Defendant.	)	
_____	)	

IN THIS ACTION the Defendant having been duly and regularly served with
Summons and Complaint at Blackfoot, Bingham County, Idaho on October 28, 2003.

AND THEREAFTER, the parties hereto, having entered into a Stipulation containing
provisions concerning the disposition of their property rights,

AND SAID MATTER having been duly and regularly set before the above-entitled
Court, and said matter having come before the Honorable R. James Archibald, Magistrate
Judge of the above-entitled Court, at Blackfoot, Bingham County, Idaho, on the 23 day
of February, 2004, upon the Complaint of Plaintiff;

WHEREUPON it satisfactorily appears to the Court that the material allegations of Plaintiff's Complaint are proved by competent evidence free from objections of expectations as to its relevancy, sufficiency or admissibility,

AND A STIPULATION entered into between the parties having been introduced before the Court in support of the Plaintiff's testimony, and the said Stipulation having been approved by the Court as acceptable to the Court.

AND IT FURTHER APPEARING to the Court that Plaintiff is entitled to relief as prayed for in her Complaint, subject to modification as set forth in the Stipulation of the parties, and the Court finding, among other things, that Plaintiff at all times material herein is and had been a bona fide resident of the State of Idaho for more than the full statutory time required by law to be a resident prior to the commencement of the action herein, and that grounds for divorce exist in that irreconcilable differences have arisen in the marriage making it nonsupportable.

AND THE COURT finding that the Plaintiff is entitled to a Decree of Absolute Divorce as prayed for in her Complaint, and as modified by the Stipulation of the parties,

NOW, THEREFORE, the Court being fully advised in the law and the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS, TO-WIT:

1. That the bonds of matrimony now existing between the Plaintiff and the Defendant are absolutely dissolved, and the Plaintiff is awarded a Decree of Absolute Divorce.

2. That the Plaintiff shall be awarded the home and real property located at 366 N. Water Street, Arco, Idaho described as:

That portion of Lots 4, 5, and 6 of Block 4 of the Second Addition of the Townsite of Arco described as follows:
Beginning at the Southwest corner of Lot 6 which is the corner

of said lot intersected by Water Street and Mackay Avenue, thence Northwesterly along Water Street 87.9 feet; thence at right angles parallel to Mackay Avenue 150 feet to the Northeasterly line of Lot 4; thence at right angles parallel to Water Street 87.9 feet to the southeast corner of Lot 4; thence at right angles along Mackay Avenue 150 feet to the Point of Beginning.

3. That the Defendant shall be awarded the real property located at 239 Sunset Street, Arco, Idaho described as:

Block 4 Lots, 1,2, and 3 and that portion of Lots 4, 5, and 6 except therefrom the following described property:
Beginning at the Southwest corner of Lot 6 of Block 4 of the Second Addition to Townsite of Arco, Idaho which is the corner of said lot intersected by Water Street and Mackay Avenue; thence Northwesterly along Water Street 87.9 feet; thence at right angles parallel to Mackay Avenue 150 feet to the Northeasterly line of Lot 4; thence at right angles parallel to Water Street 87.9 feet to the Southeast corner of Lot 4; thence at right angles along Mackay Avenue 150 feet to the Point of Beginning.

4. That the Defendant be shall awarded the following real property located at 3400 N., Moore, Idaho, described as:

Township 5 North, Range 26 East of the Boise Meridian;

Section 15: The West 330 feet of the Southwest Quarter of the Northwest Quarter.

Section 16: The East half of the Northeast Quarter and that portion of the West half of the Northeast quarter described as follows:

Beginning at a point at the exact Southeast corner of said plot (West half of Northeast quarter); thence 224 feet North to the True Point of Beginning, thence Northwesterly 452 feet to a point 250 feet due West of the East boundary, thence North along the "Moore" canal bank (East Bank) six feet from the waters edge to the North boundary of Section 16, thence East to the Northeast corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$. Thence due south along the East boundary to the true Point of Beginning.

Excepting therefrom: A parcel of land generally described as that portion of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 16, Township 5

North, Range 26 East of the Boise Meridian, Butte County, Idaho, lying Easterly of the Big Lost River channel; being more particularly described as follows:

Beginning at the Northeast corner of said Section 16, thence North 89°22'46" West along the North boundary of said Section 16, a distance of 45.47 feet to the centerline of the Big Lost River channel; thence along the centerline of the Big Lost River channel the following seven courses:

SOUTH 59°51'53" WEST, 254.54 FEET SOUTH 36°52'46", 261.52 FEET; SOUTH 13°23'53" WEST; 289.96 FEET; SOUTH 22°23'27" EAST, 117.68 FEET; SOUTH 36°50'37" EAST, 291.04 FEET; SOUTH 86°04'23" EAST, 252.11 FEET; NORTH 54°13'06" EAST, 18.28 FEET TO THE EAST BOUNDARY OF SAID SECTION 16; THENCE ALONG THE EAST BOUNDARY OF SAID SECTION 16, NORTH 00°15'33" EAST, 971.24 FEET TO THE NORTHEAST CORNER OF SAID SECTION 16 AND POINT OF BEGINNING.

Also Excepting: A fraction of land in the Southeast ¼ Northeast ¼ Section 16, Township 5 North, Range 26, East of the Boise Meridian, described as follows: Beginning at the Southwest Corner of the Southeast Quarter of the Northeast Quarter; thence North 224 feet, thence Southeast 221 feet; thence Southerly 181 feet to the South boundary of the Southeast Quarter of the Northeast Quarter, thence West 34 feet to the Point of Beginning.

5. That the personal property of the parties shall be divided as follows:

THE PLAINTIFF BEING AWARDED: All personal property in her possession; 1998 Jayco 5th-wheel camper, subject to the debt thereon; 2003 Mitsubishi Eclipse; one .22 gun; contents of the home at 366 N. Water Street, including the living room furniture, big screen TV, bedroom furniture, computer, kitchen appliances and accessories, outdoor lawn care equipment, camping gear. The personal property awarded to Plaintiff does not include the willow chair, the deep freeze, the kerosene lamp, or the 3500 generator.

THE DEFENDANT BEING AWARDED: All personal property in his possession; 2003 Ford pickup truck, subject to the debt thereon; 1985 Chevy pickup truck; Circle Y

Moore CO-OP; Wells Fargo overdraft protection and any debt he has incurred since the separation of the parties.

9. The parties shall cooperate in effectuating the terms outlined herein, including signing any and all documents needed to transfer ownership rights as set forth herein.

10. That the Plaintiff shall be restored to her former name of Karas.

DATED this 23 day of February, 2004.

R. JAMES ARCHIBALD

Honorable R. James Archibald

CLERK'S CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23 day of February, 2004, I caused to be served a true copy of the foregoing DECREE OF DIVORCE by the method indicated below and addressed to each of the following:

Stephen K. Madsen
BAKER & HARRIS
PO Box 577
Blackfoot, ID 83221

☐ U.S. mail, postage prepaid
☒ Designated Courthouse box
☐ Fax: _____
☐ Hand-delivered

David M. Cannon
MOSS, CANNON, ROMRELL, CASTLETON, P.A.
75 East Judicial
Blackfoot, Idaho 83221

☐ U.S. mail, postage prepaid
☒ Designated Courthouse box
☐ Fax: _____
☐ Hand-delivered

SARA J. STAUB, Clerk

By: SARA J. STAUB
Deputy Clerk