



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

JAMES E. RISCH
Governor

KARL J. DREHER
Director

January 3, 2007

TERRI L MC BRIDE
LAND TITLE AND ESCROW INC
PO BOX 177
BURLEY ID 83318

Re: Notice of Change in Water Right Ownership – Water Right No. 45-11253

Dear Ms. McBride:

I have received your letter of September 19, 2006 regarding the Notice of Change in Water Right Ownership filed by Ron and Darlene Nulph for the water right referenced above. In your letter, you indicated a possible cause for a discrepancy in the claimed water right.

Review of the claim file indicates that the original owners filed the claim for the water right in the SENE of Section 21, T12S, R22E. The claim was reviewed and recommended in the SENE of Section 22 based on county ownership records (parcel 12S22E220000 in the name of Woodhouse). County records indicate that Woodhouse owned the N1/2 of Section 22, so it's possible that the quarter-quarter section was not reviewed or corrected. Since the right has since been decreed by the court, the Department cannot change the right; the owners would need to approach the court for corrective action as described in our August 17, 2006 letter to Nulph. The letter provides some alternatives for consideration to obtain a water right.

The deed provided by the Nulphs indicates land in the SWNW of Section 22. Because of the discrepancy between the water right decreed place-of-use and the land described on the deed to Nulphs, the Department cannot change the ownership on the water right records. We will continue to hold processing to await further action by the Nulphs. I have enclosed a copy of our August 17 letter for reference.

Please feel free to contact me at 208-287-4948 if you have questions.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

cc: Ron and Darlene Nulph with enclosure

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

RECEIVED
OCT 07 2005

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

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
45-11253					

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**.

Name and Address of Former Owner/Claimant(s) Kent or Diane Woodhouse

New Owner/Claimant(s) Ron or Darlene Nulph
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address 1151 S. Hwy 27

City, State and ZIP Code Burley, ID 83318

New Telephone Number ()

Date you acquired the property 10-3-05

1/8/07
Not processed
insufficient evidence
JP

304463

WARRANTY DEED

#40682

For Value Received

TRAFFORD KENT WOODHOUSE and DIANE WOODHOUSE, Husband and Wife

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

RON NULPH and DARLENE NULPH, Husband and Wife
Address: 1151 SOUTH HIGHWAY 27, BURLEY, ID 83318

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

SEE ATTACHED EXHIBIT "A"

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

SUBJECT TO:

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

Taxes for 2005 and subsequent years, a lien, but not yet due or payable.

Assessments of the Southwest Irrigation District and the rights and powers of said District as by law provided.

Power Line Easement from Vern S. Hoffbuhr to Idaho Power Company, a corporation, dated January 28, 1958 and recorded February 14, 1959 as Instrument No. 200372 in Book 16 of Miscellaneous, records of Cassia County, Idaho, over and across the N½ of Section 22, Township 12 South, Range 22 East of the Boise Meridian.

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.

Dated: **October 3, 2005**

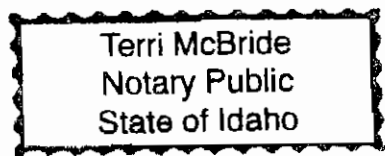
Trafford Kent Woodhouse
TRAFFORD KENT WOODHOUSE

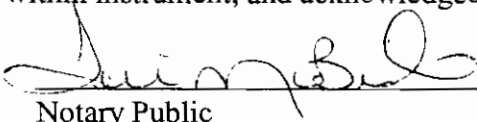
Diane Woodhouse
DIANE WOODHOUSE

304463
CASSIA COUNTY, IDAHO
LARRY A. MICKELSEN
RECORDER
FEE 9.00 DEPUTY
2005 OCT 5 PM 4 18
RECORDED
LAND TITLE & RECORDS

STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

On this 3rd day of **October, 2005**, before me, the undersigned, a Notary Public in and for said State, personally appeared **TRAFFORD KENT WOODHOUSE and DIANE WOODHOUSE**, 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.





Notary Public
Residing at: Leport
My Commission expires: 2-5-08

EXHIBIT "A"

PARCEL NO. 1:

TOWNSHIP 12 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 22: Part of the SW¼NW¼, more particularly described as follows:

Beginning at the Southwest section corner of Section 22, said corner marked by a U.S. General Land Office iron pipe with brass cap on top; Thence North 00°25'22" West (North 0°19' West rec.) along the West section line for a distance of 2239.36 feet (2243.24 feet rec.) to the Southerly right of way of State Highway 27; Thence North 33°40'29" East (North 33°43'14" East rec.) along said right of way for a distance of 509.17 feet (504.33 feet rec.) to a ½ inch rebar which shall be the Point of Beginning;
Thence North 33°40'29" East (North 33°43'14" East rec.) continuing along said right of way for a distance of 373.39 feet (373.71 feet rec.) to a ½ inch rebar;
Thence South 68°51'10" East for a distance of 256.35 feet to a ½ inch rebar;
Thence South 03°36'07" West for distance of 215.33 feet to a ½ inch rebar;
Thence South 89°33'24" West for a distance of 73.06 feet to a 3/8 inch rebar;
Thence South 89°33'24" West (South 89°37' West rec.) for a distance of 359.54 feet (360.11 feet rec.) to the Point of Beginning.

PARCEL NO. 2:

TOWNSHIP 12 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 22: Part of the SW¼NW¼, more particularly described as follows:

Beginning at the Southwest section corner of Section 22, said corner marked by a U.S. General Land Office iron pipe with brass cap on top; Thence North 00°25'22" West (North 0°19' West rec.) along the West section line for a distance of 2239.36 feet (2243.24 feet rec.) to the Southerly right of way of State Highway 27; Thence North 33°40'29" East (North 33°43'14" East rec.) along said right of way for a distance of 882.56 feet to a ½ inch rebar; Thence South 68°51'10" East for a distance of 88.00 feet to the Point of Beginning;
Thence North 21°33'33" East for a distance of 20.17 feet;
Thence North 86°45'07" West for a distance of 1.42 feet;
Thence North 03°14'53" East for a distance of 20.00 feet;
Thence South 86°45'07" East for a distance of 20.00 feet;
Thence South 03°14'53" West for a distance of 20.00 feet;
Thence North 86°45'07" West for a distance of 8.04 feet;
Thence South 21°33'33" West for a distance of 23.41 feet;
Thence North 68°51'10" West for a distance of 10.00 feet to the Point of Beginning.

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 Signature]

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 _____	Fee \$ 25 ⁰⁰
Received by <i>[Signature]</i>	Date 10-7-05	Receipt No. C.079311
Processed by _____	Date _____	WR _____ Date _____