



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

August 17, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

RON NULPH
DARLENE NULPH
1151 S HWY 27
BURLEY ID 83318

RE: Water Right No(s). 45-11253

Dear Mr. & Mrs. Nulph:

The Department of Water Resources acknowledges receipt of the additional information you submitted in support of your Notice of Change in Water Right Ownership filed on <date> for the water right no(s) referenced above. The Snake River Basin Adjudication (SRBA) Court issued a partial decree describing the water right(s) with a place of use different than your property as described in the documentation you originally submitted. We have reviewed your additional information and found that it is not sufficient to resolve the place of use discrepancy.

In order to process your change in ownership, we need documentation to show that you own the water right(s) or the property described as the place of use for the water right(s). If you believe that the SRBA Court issued the partial decree(s) with an error in the description of the place of use, you may be able pursue one of the following options with the Court.

- 1) Motion to set-aside – a motion filed with the SRBA Court which, if granted, would provide a process to correct the partial decree. You would need to provide justification for the correction.
- 2) Motion to file late claim – a motion filed with the SRBA Court which, if granted, would allow you to file a new claim for your existing water use. A late claim would be investigated for validity and accuracy by the Department.

Please contact Danni Smith of this office at 287-4910 if you have questions related to the SRBA. Ms. Smith can assist you with the SRBA Court's processes.

As additional alternatives, you could pursue one of the following options with the Department.

- 1) New Appropriation – an application for permit filed with the Department to develop a new water right. If a permit is approved, the priority date is the date that the application is filed. Some areas of the state are closed to new development. Please note that a water right permit is not required for certain domestic uses from a ground water source.
- 2) Water Right Transfer – an application filed with the Department to change an existing water right. In this case, the purpose of the transfer would be to change the place of use (and possibly the point of diversion) to your property description. You would need to provide evidence of ownership or authorization from the current owner of record before the Department could process the application.

If you choose to file an application for permit or transfer with the Department, you may be able to apply any fees submitted with your Notice of Change in Water Right Ownership to the application. Please contact staff from the Water Right Permits section of this office if you have additional questions related to the applications described above.

Please let us know within 30 days how you plan to proceed. If we do not hear from you within 30 days we will return your Notice of Change in Water Right Ownership and all attachments and refund any fees submitted with your notice.

Sincerely,

A handwritten signature in black ink, appearing to read "Kara A. Alder". The signature is fluid and cursive, with the first name "Kara" being the most prominent part.

Kara A Alder
Secretary

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 N $\frac{1}{4}$ 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

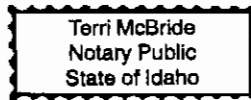
Trafford Kent Woodhouse
TRAFFORD KENT WOODHOUSE

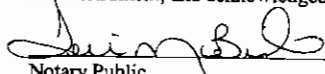
Diane Woodhouse
DIANE WOODHOUSE

304463
CASSIA COUNTY, IDAHO
LARRY A. MICKELSEN
RECORDER
FEE 9.00
DEPUTY
2005 OCT 5 PM 4 18
RECORDED
AND INDEXED

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 a 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.