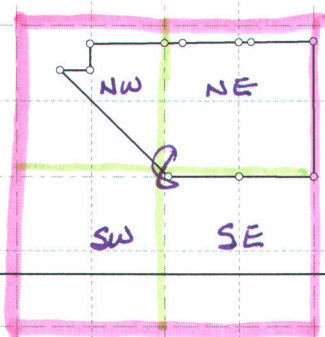




Title: **HURST**

Date: 02-12-2004

Scale: 1 inch = 3424 feet

File:

Tract 1: 197.898 Acres: 8620433 Sq Feet: Closure = s89.4954e 0.10 Feet: Precision = 1/126289: Perimeter = 12657 Feet

001=SE,SE,NE,8,12S,25E	006=N00.2225E 464.67	011=N89.2436E 1107.93
002=N89.5519W 1332.33	007=N89.2321E 1329.17	012=S00.1039E 2388.08
003=N89.5519W 1264.26	008=N89.2321E 323.58	
004=N45.4902W 2691.39	009=N89.1845E 1003.31	
005=N89.5720E 533.38	010=N89.1845E 218.98	

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SEP 7 4 2004

RECEIVED

DEC 18 2003

RECEIVED

DEC 16 2003

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

Department of Water Resources

Department 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
45-2731 AS					
45-10496 AS					
45-10489	(Stockwater decreed)			fee due #25 ⁰⁰	
45-10497 AS	(to be split)				

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)

Jimmy D. Kempton
1158 E. 1000 S. Alb., ID 83311

4. New Owner/Claimant(s)

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

New Mailing Address

273 S. 750 E.

City, State and ZIP Code

Burley, ID 83318

New Telephone Number

808 654-2037

5. Date you acquired the property

March 15, 2002

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 FEB 24 2004

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 <u>45-10497</u>		
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	<u>129 ac</u>	
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	<u>30 ac</u>	
Stock		
Domestic		
Other		
Total		

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Wayne R. Hewet

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 KKC Date 12-16-03 Fee 25⁰⁰
 Received by KKC Date 12-16-03 Receipt No. 5026333
 Processed by _____ AJ Date _____ WR _____ Date _____

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FEB 24 2004

WARRANTY DEED

FOR VALUE RECEIVED, JIMMY D. KEMPTON and SUSAN L. KEMPTON, husband and wife, of P.O. Box 28, Albion, Idaho, the Grantor, does hereby grant, bargain, sell and convey unto WAYNE HURST and SHERRIE HURST, the Grantee whose current address is 273 S. 750 E. Burley, Idaho 83318, the following described premises, located in Cassia County, Idaho, to wit:

TOWNSHIP 12 SOUTH, RANGE 25 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO.

SECTION 8: A portion of the NW $\frac{1}{4}$, and a portion of the NE $\frac{1}{4}$, said portions lying to the east of State Highway No. 77, and more particularly described as follows:

BEGINNING at the E $\frac{1}{4}$ corner of said Section 8 (marked by a 3" aluminum cap stamped "Cassia County") and running thence along the south line of the NE $\frac{1}{4}$ thereof north 89°55'19" west 1332.23 feet to the southeast corner of the W $\frac{1}{2}$ of said NE $\frac{1}{4}$;

THENCE continuing along said south line north 89°55'19" west 1264.26 feet to the intersection thereof with the northeastern right of way line of the aforesaid State Highway No. 77;

THENCE along said northeastern right of way line north 45°49'02" west 2691.39 feet to a $\frac{1}{2}$ " rebar set at the intersection thereof with the southern line of that real property conveyed from Kempton to Valley Airport, LLC, by the Warranty Deed recorded January 12, 2001, as Instrument # 272917, Cassia County records;

THENCE leaving said right of way line and running along the southern line of said lands conveyed to Valley Airport, LLC, the following 7 courses and distances:

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FEB 24 2004

RECORDED AT THE REQUEST OF
CASSIA COUNTY ABSTRACT

02 MAR 15 PM 4 08

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER
FEE \$5.00 DEPUTY CLERK

280306

- 1) North 89°57'20" east 533.38 feet to a ½" rebar and cap stamped "MOON 7920" set on the west line of the E½NW¼ of Section 8;
- 2) THENCE along said west line North 00°22'25" east 464.67 feet to a ½" rebar and cap stamped "MOON 7920" set thereon;
- 3) THENCE leaving said west line North 89°23'21" east 1329.17 feet to a ½" rebar and cap stamped "MOON 7920" set on the west line of the W½NE¼ of Section 8;
- 4) THENCE north 89°23'21" East 323.58 feet to a ½" rebar and cap stamped "MOON 7920";
- 5) THENCE continuing north 89°18'45" east 1003.31 feet to a ½" rebar and cap stamped "MOON 7920" set on the west line of the E½NE¼ of Section 8;
- 6) THENCE continuing north 89°18'45" east 218.98 feet to a ½" rebar and cap stamped "MOON 7920";
- 7) THENCE north 89°24'36" east 1107.93 feet to a ½" rebar and cap stamped "MOON 7920" set on the east line of said Section 8;

THENCE leaving said southern line of the lands conveyed to Valley Airport, LLC, and along said east Section line South 00°10'39" east 2388.08 feet to POINT OF BEGINNING.

The above described real property contains 197.89 acres, more or less, and is subject to a 25.00 foot wide county road easement along the east line thereof, and may be subject to other easements of record, and to other easements legally established.

EXCEPTING THEREFROM, however, all that portion of the above described real property lying in the W½NW¼ of said Section 8, said portion being more particularly described as follows:

BEGINNING at the intersection of the Northeastern right of way line of said State Highway No. 77 with the southern line of the aforesaid real property conveyed from Kempton to Valley Airport, LLC, said intersection marked by a ½" rebar, and running thence along the southern line of said lands conveyed to Valley Airport, LLC, north 89°57'20" east 533.38 feet to a ½" rebar and cap stamped "MOON 7920" set on the east line of said W½NW¼ of Section 8;

THENCE along said east line south 00°22'25" west 515.53 feet to the intersection thereof with the aforesaid northeastern highway right of way;

THENCE along said right of way line north 45°49'02" west 739.09 feet to the POINT OF BEGINNING.

The above described exception contains 3.16 acres, more or less.

TOGETHER with Water Right License # 45-07385 and # 45-2731 of the Idaho Department of Water Resources for the well located on the premises and State Water License # 19653, Priority Date June 29, 1945, establishes a livestock watering right on the premises at a surface spring noted in the above License as being "400 ft. S.E. from NW corner NE¼ Sec. 8, Tp.12 S, R.25 E, B.M., Cassia County".

SUBJECT TO easements and rights of way which are apparent or of record and accruing 2002 property taxes and assessments and,

SUBJECT TO:

1. Oil and Gas Lease to W. D. Meyer and assigned to Marsh Basin Oil & Gas Company, executed by Don H. Campbell and Ida M. Campbell, his wife, recorded May 24, 1920 as Instrument No. 48284 in Book 3 of B.S. & A. on Pages 129, 130 and 131, records of

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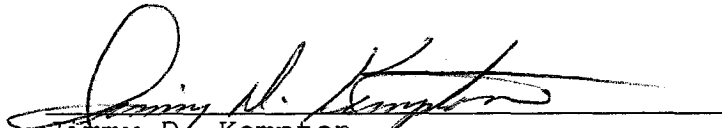
FEB 24 2004

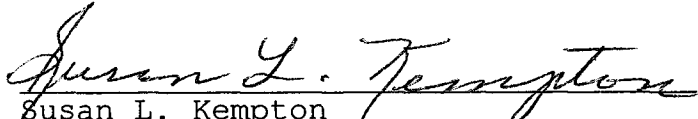
Cassia County, Idaho. W $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 8, Twp. 12 S.,
Rge. 25, E.B.M.

2. Agreement for Purchase of Power, dated March 29, 1955, by and between Raft River Rural Electric Cooperative, Inc., and M. A. Kempton and Ruth Kempton, his wife, recorded August 5, 1955, as Instrument No. 187060 in Book 9 of B. S. & A. on Pages 67, 68 and 69, records of Cassia County, Idaho. N $\frac{1}{2}$, Sec. 8, Twp. 12 S., Rge. 25, E. B. M.
3. Agreement for purchase of power, dated May 5, 1969, by and between Raft River Rural Electric Cooperative, Inc., and M. A. Kempton, recorded June 19, 1970, as Instrument No. 51657 on Film No. 65, records of Cassia County, Idaho. SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 8, Twp. 12 S., Rge. 25, E. B. M.

To have and to hold the said premises with their appurtenances to the said Grantee, their heirs and assigns forever. And the Grantor does hereby covenant to and with the Grantee that Grantor is the owner in fee of the said premises, that said premises are free from all encumbrances and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 15th day of March, 2002.


Jimmy D. Kempton

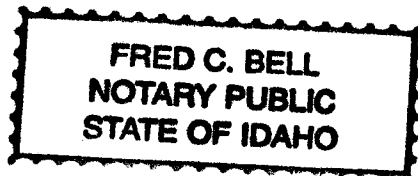

Susan L. Kempton

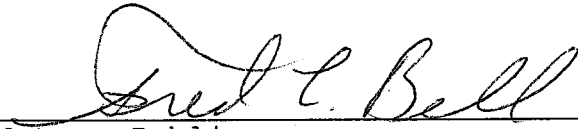
STATE OF IDAHO)
) ss.
County of Cassia)

On this 15th day of March, in the year of 2002, before me the undersigned notary public in and for said state, personally appeared JIMMY D. KEMPTON and SUSAN L. KEMPTON, husband and wife, 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.

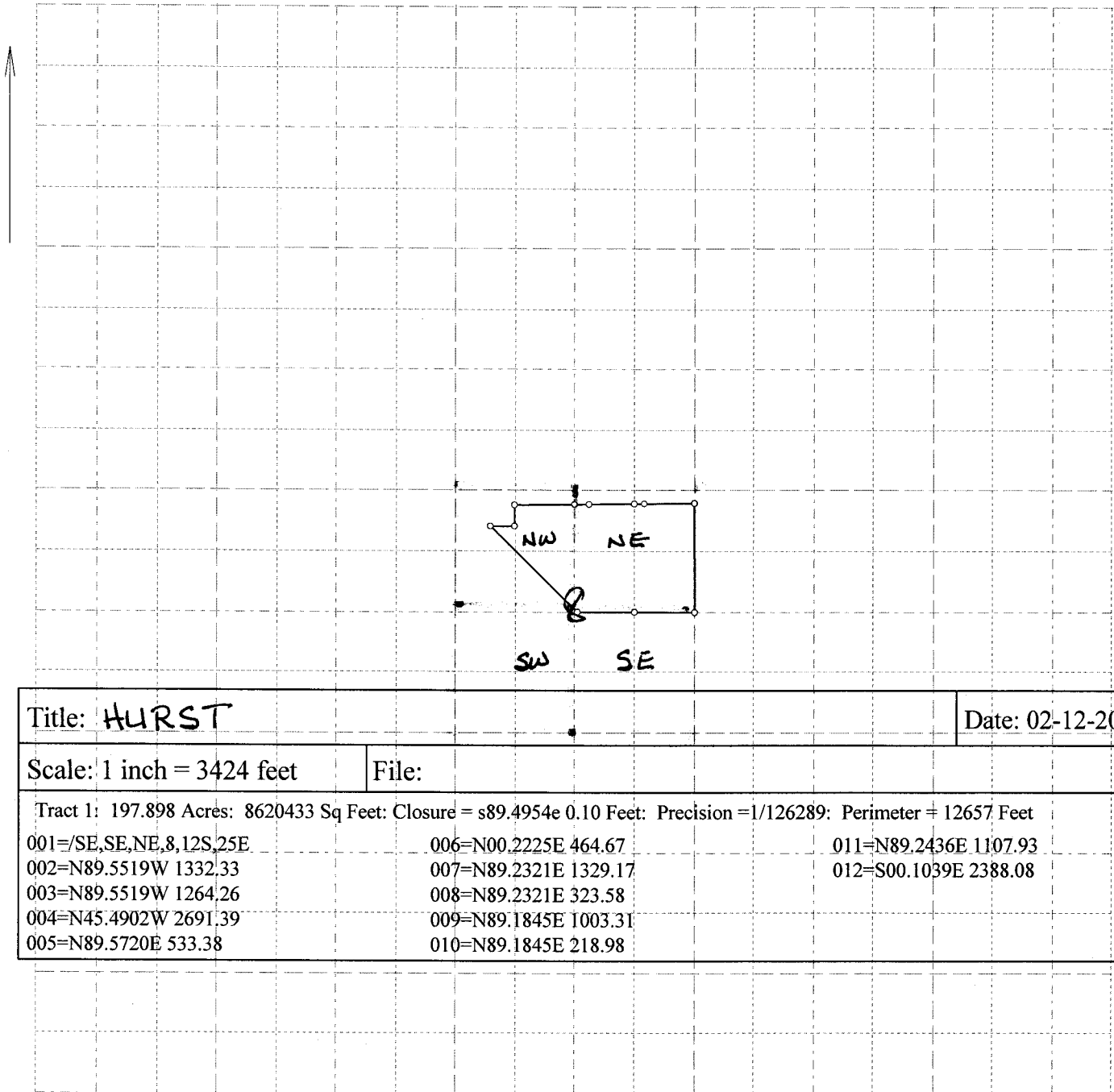
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(SEAL)





Notary Public
Residing at Burley, Idaho
My Commission expires 8/28/06



Title: **HURST**

Date: 02-12-2004

Scale: 1 inch = 3424 feet

File:

Tract 1: 197.898 Acres: 8620433 Sq Feet: Closure = s89.4954e 0.10 Feet: Precision = 1/126289: Perimeter = 12657 Feet

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004=N45.4902W 2691.39

009=N89.1845E 1003.31

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010=N89.1845E 218.98

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2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 12, 2004

WAYNE HURST
SHERRIE HURST
273 S 750 E
BURLEY ID 83318

RE: Change of Ownership for Water Right 45-10489

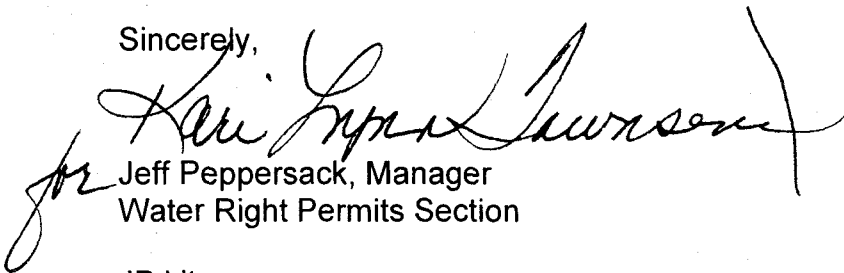
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

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FEB 24 2004