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Documents
In File

SEP 19 2002

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

Department of Water Resources

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
29-10793					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. \$25
- 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)

Duane K. Kirk / Marie R. Kirk
 G/D; Weiser, Idaho 83672

4. New Owner/Claimant(s)

Dr. Gerard G. Lyons & Dr. Heidi L. Lyons

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

New Mailing Address

1608 N. Mink Creek Rd

City, State and ZIP Code

Pocatello, ID 83204

New Telephone Number

208 478-1628

5. Date you acquired the property

May 2001

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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.

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For Office Use Only			
Received by <u>J. M. [Signature]</u>	Date <u>SEP 19 2002</u>	Fee <u>\$25.00</u>	
Receipted by <u>J. M. [Signature]</u>	Date <u>SEP 19 2002</u>	Receipt No. <u>C044682</u>	
Processed by _____	AJ Date _____	WR _____	Date _____

CLH HJ

WARRANTY DEED

For Value Received **DUANE K. KIRK and MARIE R. KIRK, husband and wife**

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

GERARD G. LYONS, II and HEIDI L. LYONS, husband and wife

20109854

whose address is: **1608 N. MINK CREEK RD., POCA TELLO, ID. 83204**

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

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER SECTION 30, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 30, WHICH POINT IS 625 FEET SOUTHERLY FROM THE NORTH 1/16 CORNER OF SAID SECTION 30, THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 30, 200 FEET; THENCE WESTERLY, PARALLEL TO THE NORTH 1/16 LINE OF SAID SECTION, 598.9 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING WESTERLY PARALLEL TO THE SAID NORTH 1/16 LINE, 275 FEET, MORE OR LESS, TO THE EASTERLY RIGHT OF WAY BOUNDARY OF STATE HIGHWAY NO. 38; THENCE ALONG SAID EASTERLY RIGHT OF WAY BOUNDARY N. 18°17' EAST, 105 FEET; THENCE EASTERLY PARALLEL TO THE NORTH 1/16 LINE OF SAID SECTION, 275 FEET; THENCE SOUTH 18°17' WEST, 105 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: May 24, 2001

Duane K. Kirk
DUANE K. KIRK
Marie R. Kirk
MARIE R. KIRK

STATE OF Idaho

NO **20109854**
FIRST AMERICAN TITLE
RECORDED AT REQUEST OF
2001 MAY 25 PM 2 55
OFFICIAL RECORD BOOK NO **784**
BANNOCK COUNTY IDAHO
LARRY W GHAN RECORDER
FEE **3** DEPUTY **MI**

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OCT 8 4 2002

Form No. 1402.82
(10/17/82)
ALTA Owner's Policy



POLICY OF TITLE INSURANCE



ISSUED BY

First American Title Insurance Company

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

COUNTERSIGNED BY
FIRST AMERICAN TITLE
COMPANY INC.

BY: *Chris Hamuill*

First American Title Insurance Company

BY

Gary L. Keruett

PRESIDENT

ATTEST

Mark R. Arsen

SECRETARY

J 1485296



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OCT 6 4 2002

OWNER'S POLICY

SCHEDULE A

Order No.: **P33731**

Policy No.: **J 1485296**

Reference No.:

Amount of Insurance: **\$ 104,000.00**

Premium: **\$ 617.00**

Endorsements:

\$

Date of Policy: **May 31, 2001**

at **11:21 AM**

1. Name of Insured:

GERARD G. LYONS, II and HEIDI L. LYONS

2. The estate or interest in the land which is covered by this policy is:

A fee simple interest

3. Title to the estate or interest in the land is vested in:

GERARD G. LYONS, II and HEIDI L. LYONS, husband and wife

4. The land referred to in this policy is described as follows:

**A TRACT OF LAND IN THE SOUTHEAST QUARTER OF THE
NORTHEAST QUARTER SECTION 30, TOWNSHIP 7 SOUTH, RANGE 35
EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, MORE
PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 30,
WHICH POINT IS 625 FEET SOUTHERLY FROM THE NORTH 1/16
CORNER OF SAID SECTION 30, THENCE SOUTHERLY ALONG THE
EAST LINE OF SAID SECTION 30, 200 FEET; THENCE WESTERLY,
PARALLEL TO THE NORTH 1/16 LINE OF SAID SECTION, 598.9 FEET TO
THE TRUE POINT OF BEGINNING; THENCE CONTINUING WESTERLY
PARALLEL TO THE SAID NORTH 1/16 LINE, 275 FEET, MORE OR LESS,
TO THE EASTERLY RIGHT OF WAY BOUNDARY OF STATE HIGHWAY
NO. 38; THENCE ALONG SAID EASTERLY RIGHT OF WAY BOUNDARY
N. 18°17' EAST, 105 FEET; THENCE EASTERLY PARALLEL TO THE
NORTH 1/16 LINE OF SAID SECTION, 275 FEET; THENCE SOUTH 18°17'
WEST, 105 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.**

ALTA Owner's Policy Schedule A (10/17/92)

Form 1402-92

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SCHEDULE B

Order No.: P33731

Policy No.: J 1485296

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of:

PART I

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interest, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
7. The 2000 taxes are paid in full.
2001 taxes are an accruing lien, not yet due or payable.
8. Easement for INGRESS AND EGRESS NECESSARY FOR THE USE AND MAINTENANCE THEREOF, granted to IDAHO POWER COMPANY, recorded OCTOBER 27, 1943 as Instrument No. 89, page 49.
9. RIGHT OF WAY FOR BANNOCK HIGHWAY
10. Deed of Trust with Adjustable Rate Rider to secure an indebtedness of \$104,000.00, and any other amounts and/or obligations secured thereby.
Recorded: MAY 25, 2001, as Instrument No. 20109855
Grantor: GERARD G. LYONS II AND HEIDI L. LYONS, husband and wife
Trustee: FIRST AMERICAN TITLE COMPANY

ALTA Owner's Policy Schedule B (10/17/92)
Form 1402-92

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**OWNER'S POLICY
SCHEDULE B
(Continued)**

Order No.: **P33731**

Beneficiary: **WEST COAST MORTGAGE, INC.**

Assigned to **OHIO SAVINGS BANK**, by instrument recorded **MAY 31, 2001**, as
Instrument No. **20110269**.

END OF EXCEPTIONS

ALTA Owner's Policy Schedule B (10/17/92)
Form 1402-92

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OCT 9 4 2002

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 29-10793

NAME AND ADDRESS: DUANE K KIRK
MARIE R KIRK
1608 N MINK CREEK RD
POCATELLO, ID 83204

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 10/27/1943

POINT OF DIVERSION: T07S R35E S30 SENE Within Bannock County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS

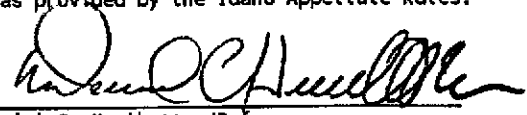
PLACE OF USE: Domestic Within Bannock County
T07S R35E S30 SENE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Daniel C. Hurlbutt, JR.
Presiding Judge
Snake River Basin Adjudication



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

September 23, 2002

GERARD G LYONS
HEIDI L LYONS
1608 N MINK CREEK RD
POCATELLO ID 83204

RE: Change of Ownership for Water Right 29-10793

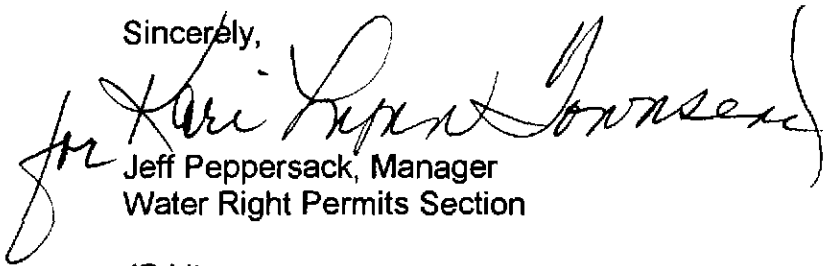
Dear Water Right Holder(s):

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. Also enclosed is a receipt for the \$25.00 filing fee.

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

Enclosures

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OCT 04 2002