

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.

RECEIVED
SEP 29 2005
 Department of Water Resources
 Southern Region

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, 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.

RECEIVED
SEP 29 2005
 Department of Water Resources

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
_____	37-21340	X	_____	_____	_____
_____	37-21346	X	_____	_____	_____
_____	37-21342	X	_____	_____	_____
_____	37-21344	X	_____	_____	_____
_____	37-11943		_____	_____	_____

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) are 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)

Estate of Evalyn V. Barker
 c/o E. Patrick Barker P.O. Box 284 Bellevue
 ID 83313

4. New Owner/Claimant(s)

KC. Benson Becky R. Benson
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

117 Treasure Ln.

City, State and ZIP Code

Hailey, Id. 83333

New Telephone Number

(208) 788 - 3657

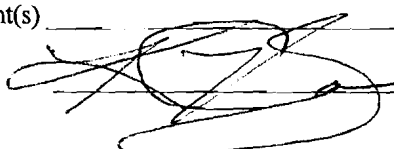
5. Date you acquired the property

4/6/04

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	_____	5 Acres lot 4 Barker Sub.
Stock	_____	acres at this time
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)
- 

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 <u>C. SKINNER</u>	Date <u>9/29/2005</u>	Fee <u>\$25.00</u>
Received by <u>C. SKINNER</u>	Date <u>9/29/2005</u>	Receipt No. <u>5028033</u>
Processed by _____ AJ	Date _____	WR _____ Date _____

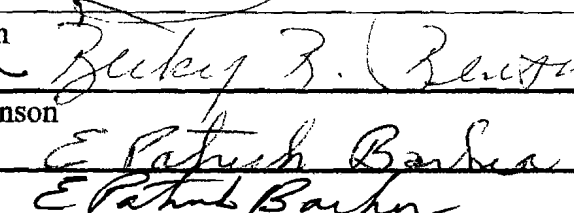
Water Right Sale Agreement April 3, 2004

1. The Sellers (heirs) at law or devisees of Evalyn V. Barker, deceased, subject to the administration of the estate of said decedent in Blaine County, Probate Case No. SP 98-1696 wherein E. Patrick Barker is the appointed Personal Representative of said estate transfer and convey the following water rights, or parts thereof, to the Buyers, K.C. and Becky Benson as follows:

- Water right No. 37-11943 for domestic use is transferred and conveyed in its entirety. A portion of the following irrigation water rights are transferred and conveyed as follows:
 1. 37-481A .02 cfs (1882)
 2. 37-11961 .04 cfs (1883)
 3. 37-482F .04 cfs (1884)
 4. 37-483A .1896 cfs (1902)
- The above listed water rights, or parts thereof, are appurtenant to the above-described property (Lot 4, Barker Sub. S.W. ¼ Section 6, T 1 N., R. 19 E., B.M., Blaine County, 5.18 acres).
- The Seller also does not transfer or convey, but instead reserves and retains the remaining portions of the following irrigation water rights:
 1. 37-481A .30 cfs (1882)
 2. 37-11961 .18 cfs (1883)
 3. 37-482F .28 cfs (1884)
 4. 37-483A 1.3904 cfs (1902)
- These water rights will remain appurtenant to the Seller's property (lots, 1, 2 and 3 of Barker Subdivision.
- The Buyer covenants to not transfer the portions of irrigation water rights (37-481A, 37-11961, and 37-482F) off of the above-described property (Lot 4, Barker Sub. S.W. ¼ Section 6, T 1 N., R. 19 E., B.M., Blaine County, 5.18 acres) for any purpose. This covenant shall run with the land. The irrigation water rights have been claimed in the Snake River Basin Adjudication (SRBA) but have not yet been reviewed by the Idaho Department of Water Resources (IDWR) or the SRBA District Court as of the date of this sale. The Seller does not warrant or guaranty that the water rights will be decreed by the Court as claimed. In the event the water rights are decreed for an amount less than that claimed, the Buyer's portion of the water rights will be reduced proportionally.

 4/6/04
K.C. Benson

 4/6/04
Becky R. Benson

 4/3/04
Pat Barker

State of IDAHO

ss.

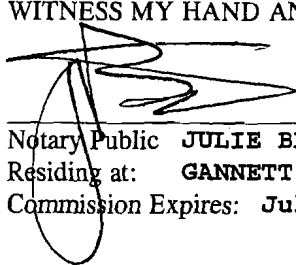
County of BLAINE

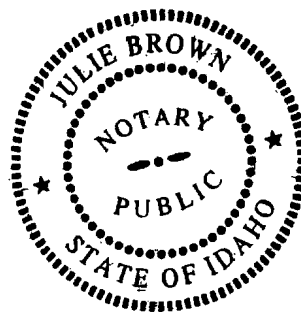
On this 6th day of April, 2004, before me, the undersigned, a Notary Public, in and for said State, personally appeared K.C. BENSON AND BECKY BENSON

_____, known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

(SEAL)


Notary Public JULIE BROWN
Residing at: GANNETT, ID
Commission Expires: July 09, 2005



State of IDAHO

ss.

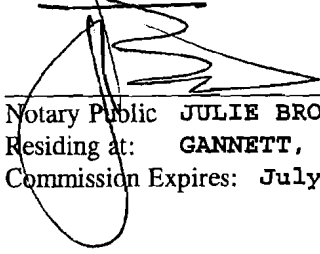
County of BLAINE

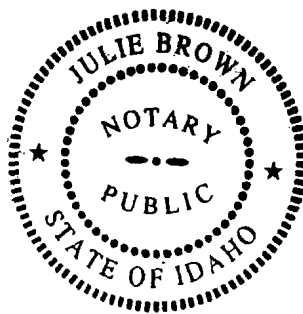
On this 6th day of April, 2004, before me, the undersigned, a Notary Public, in and for said State, personally appeared E. PATRICK BARKER

_____, known to me, and/or identified to me on the basis of satisfactory evidence, to be the personal representative whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

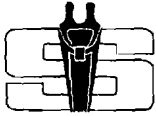
WITNESS MY HAND AND OFFICIAL SEAL.

(SEAL)


Notary Public JULIE BROWN
Residing at: GANNETT, ID
Commission Expires: July 09, 2005



THIS AGREEMENT MAY BE EXECUTED IN COUNTERPART,
AND AS EXECUTED SHALL CONSTITUTE ONE AGREEMENT.
BONDING ON ALL PARTIES, EVEN THOUGH ALL THE
PARTIES DO NOT SIGN THE ORIGINAL OR THE SAME
COUNTERPART.



Instrument # 501447

HAILEY, BLAINE, IDAHO

2004-04-06

01:30:00 No. of Pages: 2

Recorded for: BLAINE COUNTY TITLE

MARSHA RIEMANN

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: WTYGCC/CRP DEED

mp

WARRANTY DEED

For Value Received **E. PATRICK BARKER, CURTIS DARRELL BARKER AND CARLA MILLER**

the Grantor hereby grants, bargains, sells, conveys and warrants unto **K.C. BENSON AND BECKY R. BENSON, HUSBAND AND WIFE**

the Grantee whose current address is: **129 TREASURE LANE, HAILEY ID 83333-5105**

the following described premises, to-wit:

Lot 4 of BARKER SUBDIVISION, according to the official plat thereof, recorded July 28, 1998 as Instrument No. 417004, records of Blaine County, Idaho.

Parcel Number: **RP000390000040A**

SUBJECT TO: Current General Taxes, a lien in the process of assessment, not yet due or payable. Easements, restrictions, reservations, provisions of record, and assessments, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: **March 31, 2004**

E. Patrick Barker
E. PATRICK BARKER

CURTIS DARRELL BARKER

Carla J. Miller
CARLA MILLER

State of **IDAHO**

ss.

County of **BLAINE**

On this 1st day of April, 2002, before me, the undersigned, a Notary Public, in and for said State, personally appeared E. PATRICK BARKER, CURTIS DARRELL BARKER, AND CARLA MILLER

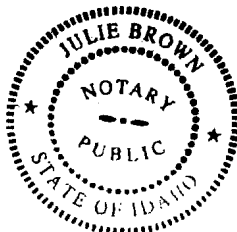
_____, known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

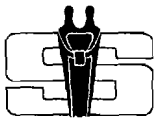
(SEAL)

[Signature]

Notary Public
Residing at: Garnett ID
Commission Expires: 7/9/05



THIS AGREEMENT MAY BE EXECUTED IN COUNTERPART,
AND AS EXECUTED SHALL CONSTITUTE ONE AGREEMENT.
BONDING ON ALL PARTIES, EVEN THOUGH ALL THE
PARTIES DO NOT SIGN THE ORIGINAL OR THE SAME
COUNTERPART.



WARRANTY DEED

For Value Received **E. PATRICK BARKER, CURTIS DARRELL BARKER AND CARLA MILLER**

the Grantor hereby grants, bargains, sells, conveys and warrants unto **K.C. BENSON AND BECKY
R. BENSON, HUSBAND AND WIFE**

the Grantee whose current address is: **129 TREASURE LANE, HAILEY ID 83333-5105**

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County, Idaho.**

Parcel Number: **RP000390000040A**

SUBJECT TO: Current General Taxes, a lien in the process of assessment, not yet due or payable.
Easements, restrictions, reservations, provisions of record, and assessments, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs
and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the
owner in fee simple of said premises; that said premises are free from all encumbrances and that he will warrant
and defend the same from all lawful claims whatsoever.

Dated: **March 31, 2004**

E. PATRICK BARKER



CURTIS DARRELL BARKER

CARLA MILLER

State of **IDAHO**

ss.

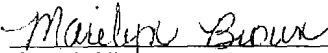
County of **BLAINE**

On this 1st day of April, 2002, before me, the
undersigned, a Notary Public, in and for said State, personally appeared ~~**E. PATRICK BARKER,**~~
~~**CURTIS DARRELL BARKER, AND CARLA MILLER**~~

_____, known to me, and/or identified to me
on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument
and acknowledged to me that **Curtis D. Barker** executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

(SEAL)



Notary Public,
Residing at: **Baxxock**
Commission Expires: **6-17-2004**

