



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](http://www.idwr.idaho.gov).

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

April 7, 2005

WARREN E SHEPARD  
SALLYANN SHEPARD  
735 COUNTY RD 70  
WEISER ID 83672

RE: Change of Ownership for Water Right 67-11552

Dear Mr. & Mrs. Shepard:

Our letters of February 8, 2005, and March 9, 2005 (copies enclosed) requesting the required fee for the above referenced ownership change remains unanswered. Therefore, I am returning the ownership change request. A copy of your ownership change information will be kept in our files for reference.

If, at a later date, you wish to reinstate this request you may send the enclosed ownership change request form along with the required support data and \$25 filing fee, and we will be happy to complete the request for you.

If you have any questions regarding this matter, please contact me at 208-287-4962.

Sincerely,

A handwritten signature in black ink that reads "Kandice L. McDermott". The signature is written in a cursive, flowing style with a large, stylized 'M' and 'D'.

Kandice L. McDermott  
Records Analyst

/klm  
enclosures

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

RECEIVED

MAR 12 2004

WATER RESOURCES  
WESTERN 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<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 67-11552              |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

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) Craig + Dixie Butler  
790 River Bend Ln, Weiser, ID 83672
4. New Owner/Claimant(s) Warren E. + Sallyann Shepard  
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address 735 County Rd. 70
- City, State and ZIP Code Weiser, ID 83672
- New Telephone Number (208) 549-2856
5. Date you acquired the property \_\_\_\_\_

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<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

7. Signature of New Owner(s) or Claimant(s) Sareyann Shepard  
(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 DB Date 3-12-04 Fee \_\_\_\_\_  
 Receipted by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

Approved by:

Initials \_\_\_\_\_

**WARRANTY DEED**

FOR VALUE RECEIVED, B & B INVESTORS, a Partnership, the Grantor, does hereby, grant, bargain, sell and convey unto WARREN E. SHEPARD and SALLYANN SHEPARD, husband and wife, the Grantees, whose address is 7261 Glenridge View Dr., Boise, ID 83709-6831, the following described real estate situated in Washington County, State of Idaho, to-wit:

Legal description attached: Exhibit "A"

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

DATED this 28 day of June, 2002.

Craig N. Butler  
Craig N. Butler, Managing Partner

STATE OF IDAHO     )  
                                      : ss  
County of Washington    )

On this 28 day of June, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared CRAIG N. BUTLER known to me to be the person whose name is subscribed to the foregoing instrument, as Managing Partner of B & B Investors, a Partnership, and acknowledged to me that he executed the same for and on behalf of said Partnership..

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

**Instrument # 186711**

WEISER, WASHINGTON, IDAHO

2002-07-15      04:48:00    No. of Pages: 3

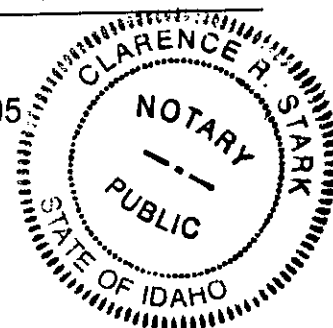
Recorded for : WASHINGTON COUNTY TITLE

SHARON WIDNER

Ex-Officio Recorder- Deputy

Index to: DEED

Clarence R. Stark  
Notary Public for Idaho  
Residing at Weiser, Idaho  
Commission expires: 09/07/05



## EXHIBIT "A"

IN WASHINGTON COUNTY IDAHO:

The S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$  and a parcel of land situated within Government Lots 1 and 2 of Section 29, Township 11 North, Range 6 West, Boise Meridian, more particularly described as follows:

Beginning at the southeast corner of Section 29, (southeast corner of Government Lot 1) T. 11N., R.6W., B.M.;

Thence N 89°54'29" W, a distance of 1258.92 feet along the South line of said Section 29:

Thence N 6°17'02" W, a distance of 1053.64 feet;

Thence N 56°33'02" W, a distance of 150.19 feet;

Thence N 23°54'18" W, a distance of 331.43 feet;

Thence N 47°55'52" W, a distance of 327.47 feet;

Thence N 5°42'21" W, a distance of 328.58 feet to a point which bears S 0°12'51" E (South, of record Deed), a distance of 660.00 feet and S 89°40'45" W (West, of record Deed), a distance of 582.23 feet from the northeast corner of Government Lot 2 of Section 29, T.11N., R.6W., B.M.;

Thence N 89°40'45" E, to the northeast corner of the S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 29;

Thence S 0°20'00" E along the East line of the S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$  and Government Lot 1 to the southeast corner of Section 29, (southeast corner of Government Lot 1), to the POINT OF BEGINNING.

EXCEPTING: the right of way of an existing County Road known as Island Road along the East side of the above described parcel of land.

SAVE AND EXCEPT a parcel of land situated within Government Lot 1 of said Section 29, more particularly described as follows:

continued...

## Legal Description continued

Beginning at the southeast corner of Government Lot 1 of Section 29, T.11N., R.6W., B.M.;

Thence N  $90^{\circ}00'00''$  W, a distance of 699.14 feet along the South line of said Government Lot 1;

Thence N  $5^{\circ}32'37''$  W, a distance of 313.64 feet;

Thence N  $6^{\circ}59'00''$  W, a distance of 165.15 feet;

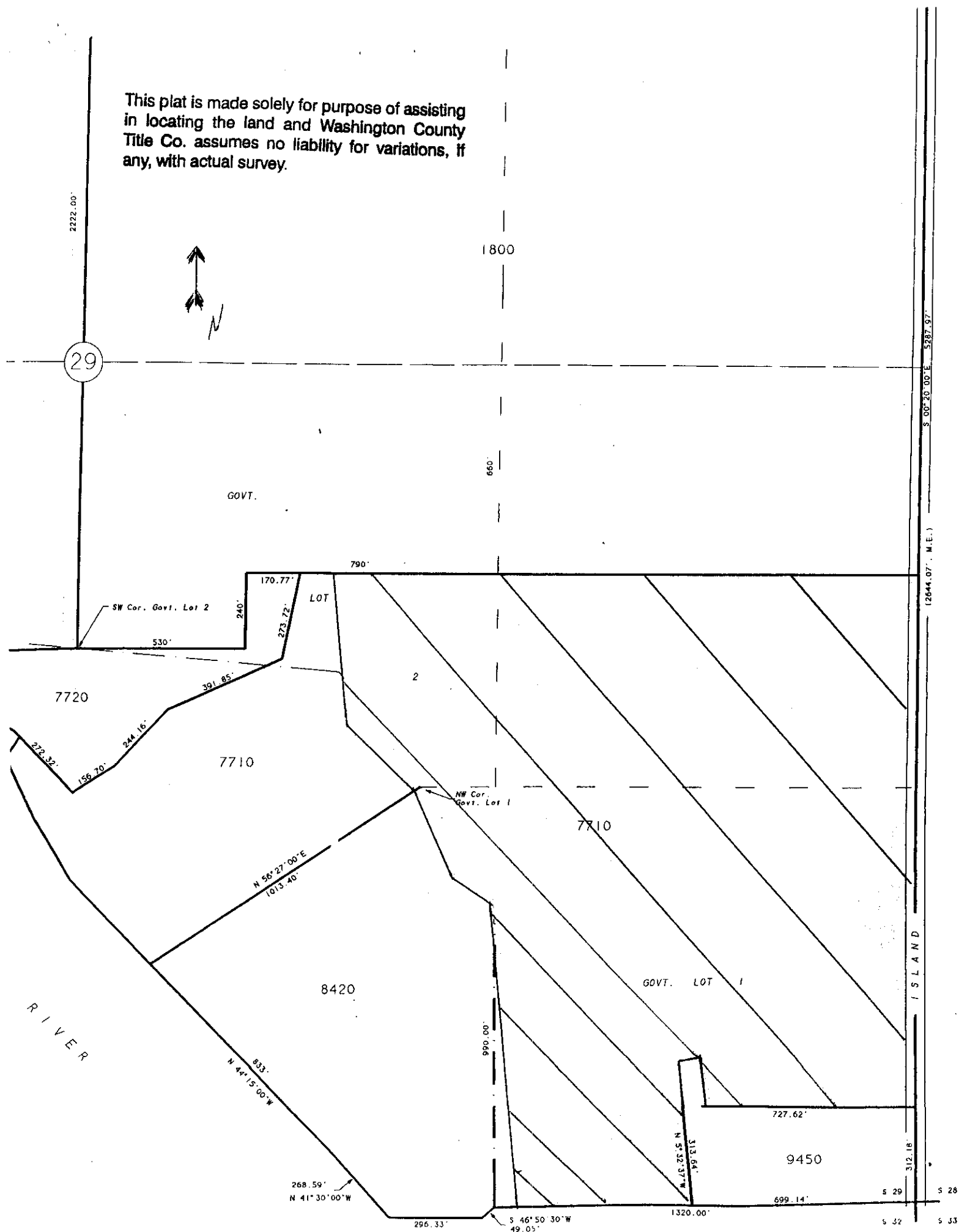
Thence N  $83^{\circ}47'46''$  E, a distance of 69.11 feet;

Thence S  $6^{\circ}19'22''$  E, a distance of 172.44 feet;

Thence N  $90^{\circ}00'00''$  E, a distance of 660.01 feet to a point on the East line of said Government Lot 1;

Thence S  $0^{\circ}20'00''$  E, a distance of 312.18 feet along the East line of said Government Lot 1 to the POINT OF BEGINNING.

This plat is made solely for purpose of assisting in locating the land and Washington County Title Co. assumes no liability for variations, if any, with actual survey.



Approved by:  
Initials \_\_\_\_\_

# WARRANTY DEED

COPY

FOR VALUE RECEIVED, B & B INVESTORS, a Partnership, the Grantor, does hereby, grant, bargain, sell and convey unto WARREN E. SHEPARD and SALLYANN SHEPARD, husband and wife, the Grantees, whose address is 7261 Glenridge View Dr., Boise, ID 83709-6831, the following described real estate situated in Washington County, State of Idaho, to-wit:

Legal description attached: Exhibit "A"

**Reserving unto the Grantor: An easement with rights of ingress and egress over and across said parcel for the operation and maintenance of an existing irrigation system, including pump and pipeline, for the benefit of adjacent lands owned by said Grantor.**

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

DATED this 16 day of May, 2002.

  
Craig N. Butler, Managing Partner

STATE OF IDAHO )  
: ss  
County of Washington )

On this 10 day of May, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared CRAIG N. BUTLER known to me to be the person whose name is subscribed to the foregoing instrument, as Managing Partner of B & B Investors, a Partnership, and acknowledged to me that he executed the same for and on behalf of said Partnership..

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

## Instrument # 186085

WEISER, WASHINGTON, IDAHO

2002-05-10

02:25:00 No. of Pages: 3

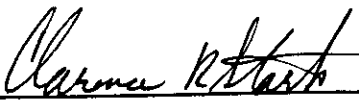
Recorded for : WASHINGTON COUNTY TITLE

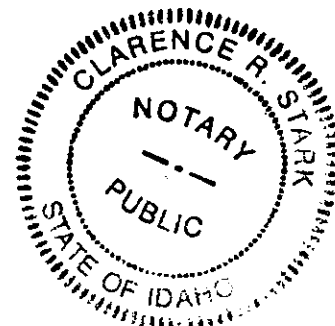
SHARON WIDNER

Fee: 9.00

Ex-Officio Recorder Deputy

Index to: DEED

  
Notary Public for Idaho  
Residing at Weiser, Idaho  
Commission expires: 09/07/05



Thence southeasterly along the northeasterly bank of the Snake River to the northwesterly corner of River Bend Estates, as the same is shown on the Official Plat thereof on file in the Office of the County Recorder of Washington County, Idaho;

Thence N 89°43'50" E (N 89°38'19" E, of record Deed) a distance of 296.33 feet along the North line of said River Bend Estates;

Thence N 46°56'01" E (N 46°50'30" E, of record Deed), a distance of 49.05 feet to the southwest corner of said Government Lot 1;

Thence S 89°54'29" E, a distance of 61.08 feet along the South line of said Government Lot 1 to the TRUE POINT OF BEGINNING.

SUBJECT to easements for drainages currently in use.

ALSO TOGETHER WITH AND SUBJECT TO all rights-of-way or easements of record or in use.

