

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

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SEP 06 2002

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.

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Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>43-344</u>	_____	_____	_____	_____	_____
<u>43-345</u>	_____	_____	_____	_____	_____
<u>43-346</u>	_____	_____	_____	_____	_____
<u>43-10201</u>	_____	_____	_____	_____	_____
<u>43-10202</u>	_____	_____	_____	_____	_____

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) Wayne O. Whitaker & Lois P. Whitaker
4. New Owner/Claimant(s) Denton Whitaker & Cleta Whitaker
 Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address 2145 S. 2350 E., Box 2192
- City, State and ZIP Code Malta, ID 83342
- New Telephone Number 208) 645-2518
5. Date you acquired the property 1999 (See attached Warranty Deed)

SUPPORT DATA

IN FILE # 43-344

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) x Denton Whitaker
(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 [Signature] Date 9/16/02 Fee \$125.00
 Received by [Signature] Date 9/16/02 Receipt No. 5025204
 Processed by _____ AJ Date _____ WR _____ Date _____

263186

WARRANTY DEED

1 THIS INDENTURE, made this 4th day of June,
2 1999, between SHARON HUTCHISON, Personal Representative of the
3 Estates of Wayne O. Whitaker and Lois P. Whitaker, both
4 deceased, ("Grantor"), and DENTON WHITAKER and CLETA WHITAKER,
5 husband and wife, whose address is 2135 South 2350 East, Malta,
6 Idaho 83342, ("Grantee").

W I T N E S S E T H:

8 The Grantor for and in consideration of the sum of
9 Ten Dollars (\$10.00), lawful money of the United States of
10 America, and other good and valuable consideration, to the
11 Grantor in hand paid by the Grantee, the receipt whereof is
12 hereby acknowledged, has granted, bargained, and sold and by
13 these presents does grant, bargain and sell, convey and confirm
14 unto the Grantee, and to the heirs and assigns of Grantee
15 forever, all of the following described real estate situated in
16 the County of Cassia, State of Idaho, to-wit:

17 That property listed on Exhibit A attached hereto
18 and made a part hereof by reference.

19 SUBJECT TO: 1999 taxes, levies and
20 assessments, right of way contained in
21 Warranty Deed recorded as Instrument NO.
22 135786 on film 142, records of Cassia County,
23 Idaho, Easements and rights of way of record,
24 if any.

25 TOGETHER with all and singular the tenements,
26 hereditaments and appurtenances thereunto belonging or in
anywise appertaining, the reversion and reversions, remainder

Page 1 - Warranty Deed

PARSONS, SMITH & STONE, LLP
LAWYERS
BURLEY, IDAHO

1 and remainders, rents, issues and profits thereof, and all
2 estate, right, title and interest in and to said property as
3 well in law as in equity of the Grantor.

4 TO HAVE AND TO HOLD, all and singular the above-
5 mentioned and described premises, together with appurtenances
6 unto the Grantee and to the heirs and assigns of Grantee
7 forever.

8 The Grantor shall and will warrant and by these
9 presents will forever defend the said premises in the quiet and
10 peaceable possession of the Grantee, and the heirs and assigns
11 of Grantee against all and every person and persons whomsoever
12 lawfully claiming the same, except as aforesaid.

13 Letters Testamentary were recorded in the office of
14 the County Recorder of the County of Cassia, State of Idaho, as
15 Instrument numbers 260879 and 259114 appointing Sharon
16 Hutchison as Personal Representative of the Estates of Wayne O.
17 Whitaker and Lois P. Whitaker.

18 Lois P. Whitaker is also known as Lois Whitaker, and
19 they are one and the same persons concerning the conveyed
20 property.

21 IN WITNESS WHEREOF, the Grantor has executed this
22 Deed the day and year first above written.

23 ESTATE OF WAYNE O. WHITAKER

24 BY Sharon Hutchison
25 Personal Representative
26

Page 2 - Warranty Deed

PARSONS, SMITH & STONE, LLP
LAWYERS
BURLEY, IDAHO

ESTATE OF LOIS P. WHITAKER

BY: Sharon Hutchison
Personal Representative

STATE OF IDAHO)
County of Cassia) ss

On this 7th day of June, in the year 1999,
before me, the undersigned, a Notary Public in and for said
State, personally appeared SHARON HUTCHISON, known or
identified to me to be the person whose name is subscribed to
the within instrument as the Personal Representative of the
Estate of Wayne O. Whitaker, and acknowledged to me that she
subscribed her name as such Personal Representative.

**E. RUTH THRALL
NOTARY PUBLIC
STATE OF IDAHO**

E. Ruth Thrall
Notary Public for Idaho
Residing at Rupert
My Commission Expires: 5-10-2005

STATE OF IDAHO)
County of Cassia) ss

On this 4th day of April, in the year 1999,
before me, the undersigned, a Notary Public in and for said
State, personally appeared SHARON WHITAKER, known or identified
to me to be the person whose name is subscribed to the within
instrument as the Personal Representative of the Estate of Lois
P. Whitaker, and acknowledged to me that she subscribed her
name as Personal Representative.

**E. RUTH THRALL
NOTARY PUBLIC
STATE OF IDAHO**

E. Ruth Thrall
Notary Public for Idaho
Residing at Walbur
My Commission Expires: 5-10-2005

Page 3 - Warranty Deed

EXHIBIT A

TOWNSHIP 14 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 8: W $\frac{1}{2}$ SE $\frac{1}{4}$ and a part of the E $\frac{1}{2}$ SW $\frac{1}{4}$, described as follows:

Beginning at a point 14 Rods 10 inches South of the Northwest corner of
the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 8;
Thence South 80 Rods;
Thence East 80 Rods;
Thence North 80 Rods;
Thence West 80 Rods to the Point of Beginning.

Section 17: NW $\frac{1}{4}$ NE $\frac{1}{4}$

TOWNSHIP 14 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 8: Beginning at the Northeast corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 8;
Thence South 160 Rods;
Thence West 80 Rods;
Thence South 14 Rods;
Thence West 80 Rods;
Thence North 160 Rods;
Thence East 80 Rods;
Thence North 14 Rods;
Thence East 80 Rods to the Point of Beginning.

EXCEPTING the following described Tracts:

TRACT NO. 1:

Commencing at the Northwest corner of said Section 8; Thence East 80
rods; Thence South on survey line 14 Rods for Place of Beginning;
Thence South 146 Rods;
Thence East 27 feet;
Thence North 146 Rods;
Thence West 27 feet to the Place of Beginning.

TRACT NO. 2:

That portion deeded to Cassia County, State of Idaho, by Right of Way
Deed recorded January 16, 1953 as Instrument No. 177687 in Book 57
of Deeds Page 90, records of Cassia County, Idaho.

-Continued-

TRACT NO. 3:

Part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 8, described as follows:

Beginning at a point South 09°40' West 969.0 feet from the N $\frac{1}{4}$ corner;
Thence South 80°20' East a distance of 417.4 feet;
Thence South 09°40' West a distance of 208.7 feet;
Thence North 80°20' West a distance of 417.4 feet;
Thence North 09°40' East a distance of 208.7 feet to the Point of Beginning.

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
FILM
1999 JUN -4 P 4: 24
CASSIA COUNTY, IDAHO
DANIEL M. ROSKELLEY
RECORDER
FEE \$100.00 PUT *dm*

263186

Exhibit A - Page 2

Name: 00263186.004
Dimensions: 2544 x 3264 pixels