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WATER RESOURCES
WESTERN REGION

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.

- 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
63-23257 P.D.					

- 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)

Mary Ann Clemens
Herbert P. Clemens
23792 Centerpoint Rd Caldwell, Id 83605

- 4 New Owner/Claimant(s)

David R and/or Sharon L. Miller

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

New Mailing Address

23792 Centerpoint Rd

City, State and ZIP Code

Caldwell, Id 83607

New Telephone Number

208 455-7642

- 5 Date you acquired the property

7/12/02

- 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) _____

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 lg Date 6/8/05 Fee \$25.00
 Received by lg Date 6/8/05 Receipt No W033028
 Processed by _____ AJ Date _____ WR _____ Date _____

Form No. 1402-92
(10/17/92)
ALTA Owner's Policy



POLICY OF TITLE INSURANCE



ISSUED BY

First American Title Insurance Company

PIONEER TITLE COMPANY
Caldwell Office
610 So. Kimball
P. O. Box 610
Caldwell, Idaho 83605-0610

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

First American Title Insurance Company

BY

Gary L. Keruett

PRESIDENT

ATTEST

Mark R. Arnesen

SECRETARY

This policy not valid unless countersigned
by Pioneer Title Company

[Signature]

J 172582

apparent matter affecting the title to the land, not excluded or excepted from coverage, which would entitle a purchaser of the estate or interest described in Schedule A to be released from the obligation to purchase by virtue of a contract condition requiring the delivery of marketable title

have the following additional options:

(a) To Pay or Tender Payment of the Amount of Insurance.

To pay or tender payment of the amount of insurance under this policy together with any costs, attorneys' fees and expenses incurred by the insured claimant which were

(D) When liability and the extent of loss or damage has been definitely fixed in accordance with these Conditions and Stipulations, the loss or damage shall be payable within 30 days thereafter.

13 **SUBROGATION UPON PAYMENT**

(10/17/92)

ALTA Owner's Policy

SCHEDULE A

Order No.: PC 44625
Policy No.: J 1725621

Amount of Insurance:	\$113,000.00
Premium:	\$ 644.00
Credit	\$ 161.00
	\$ 483.00

Date of Policy: July 15, 2002 as of 4:30 p.m.

1. Name of Insured:

DAVID R. MILLER and SHARON L. MILLER, husband and wife

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

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

DAVID R. MILLER and SHARON L. MILLER, husband and wife

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

See attached Exhibit "A"

Exhibit "A"

A parcel of land being a portion of the Northeast Quarter of Section 5, Township 4 North, Range 4 West, Boise Meridian, Canyon County, Idaho, and more particularly described as follows:

COMMENCING at the Northwest corner of the Southeast Quarter of the Northeast Quarter of Section 5; thence

North 00° 06' 07" East 3.00 feet, along the Westerly boundary of Government Lot 1 of said Section 5, to the POINT OF BEGINNING; thence continuing

North 00° 06' 07" East 247.00 feet along said Westerly boundary of Lot 1, to a point; thence

South 83° 13' 32" East 390.26 feet to a point; thence

South 02° 54' 32" West 225.69 feet along an existing fence to an iron pin; thence

North 86° 54' 35" West 156.22 feet to an iron pin; thence

South 86° 28' 33" West 115.84 feet to an iron pin; thence

North 62° 57' 16" West 51.69 feet to an iron pin; thence

South 89° 38' 37" West 58.87 feet to the POINT OF BEGINNING.

SCHEDULE B

Order No.: PC 44625
Policy No.: J 1725621

EXCEPTIONS FROM COVERAGE

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

**PART I
SECTION 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, interests, 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 or 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.

SECTION 2

1. General taxes for the year 2002, which are a lien, payable on or before December 20 of said year and not delinquent until after said date. (Account No. R 35965000-0)
2. Liens and Assessments of Eureka Ditch Company. Paid current.
3. Liens and assessments of Drainage District No. 6, and the rights and powers of said District as by law provided; said assessments are collected with the general taxes. Paid current.
4. Liens and assessments of Flood Control District No. 11, and the rights and powers of said District as by law provided; said assessments are collected with the general taxes. Paid current.
5. Power Line Easement as granted to IDAHO POWER COMPANY, a corporation, by instrument recorded March 17, 1978 as Instrument No. 825220, records of Canyon County, Idaho...including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation or enjoyment of this easement and the operation, maintenance and repair of Grantee's electrical system. (Affects North 100 feet of the West 500 feet of Southeast of the Northeast Section 5)

(continued)

6. Rights of way for irrigation and drainage ditches and canals and roads including but not limited to Centerpoint Road on the West.
7. Right of CENTERPOINT COMMUNITY CHURCH, INC., a corporation, to use of well and right-of-way for pipeline located in the Southeast Half of the Northeast Quarter of Section 5, and right to maintain the pipeline as appears by Agreement dated May 17, 1949, recorded as Instrument No. 353230, records of Canyon County, Idaho. (In SE1/4 NE1/4)
8. Restriction in Warranty Deed dated February 14, 1948 to CENTERPOINT COMMUNITY CHURCH, INC., recorded as Instrument No. 335375 in Book 178 of Deeds, Page 142, on March 20, 1948, that the premises hereby conveyed or any part thereof shall not at any time be used or suffered to be used for the manufacture, selling or other disposal of spirituous, malt, brewed, vinous, ardent, fermented or intoxicating liquors, drinks or beverages, nor shall a saloon be kept thereon, nor any building in which any person whomsoever shall vend, sell, deal or transact in same.
9. Power Line Easement as granted to IDAHO POWER COMPANY, a corporation, by instrument recorded June 3, 1935 as Instrument No. 214004, records of Canyon County, Idaho...including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation or enjoyment of this easement and the operation, maintenance and repair of Grantee's electrical system. (Affects Southeast of the Northeast of Section 5)
10. Exceptions and Reservations contained in Warranty Deed executed by BROOKS WILKINSON and ZONA WILKINSON, husband and wife, and HAROLD W. FROST and IVA LAVERDA FROST, husband and wife, recorded October 8, 1955 as Instrument No. 426606, records of Canyon County, Idaho, wherein an undivided 1/2 interest in and to all oil, gas and mineral rights are reserved to the Grantor. (SE1/4 NE1/4)
11. Matters in Record of Survey recorded August 17, 2000 as Instrument No. 200028903, records of Canyon County, Idaho.
12. Deed of Trust to secure an indebtedness in the amount shown below, and any other amounts and/or obligations secured thereby:

Amount: \$74,500.00
Dated: July 10, 2002
Grantor: DAVID R. MILLER and SHARON L. MILLER, husband and wife
Trustee: PIONEER TITLE CO. OF CANYON COUNTY
Beneficiary: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. MERS is a separate corporation that is acting solely as a nominee for Lender and Lender's successors and assigns
Lender: PACIFIC REPUBLIC MORTGAGE CORPORATION
Recorded: July 15, 2002 as Instrument No. 200231860

(N89°52'47"E 2636.46')(1)

N89°54'03"E 2636.46'

CORNER

INST. NO. 9513338

CP&F INST. NO. 808361

18.23' 1318.23' T.5N., R.4W., B.M. — $\frac{32}{5}$ | $\frac{33}{4}$ BOISE RIVER ROAD

1/16 CORNER
CP&F INST. NO. 808163

1034.82'

GOVERNMENT LOT 1

BASIS OF BEARING
N00°06'07"E 1284.82'
(1286.24' GLO PROPORTIONED)

CENTER POINT ROAD

247.00'

S83°13'32"E

390.26'

402.71'

PARCEL 1
2.11 ACRES

WC 27.60'

12
S02°54'32"W 225.69'

198.09'

9°38'37"W
58.87'

57°16"W
3.90'

9°38'37"W
34.26'

N62°57'16"W 51.69'

N62°57'16"W 52.10'

115.84'

S86°28'33"W

S86°28'33"W

118.86'

156.22'

N86°54'35"W

N86°54'35"W

156.48'

N79°17'

28' WIDE INGRESS-EGRESS EASEMENT

SE 1/4 NE 1/4