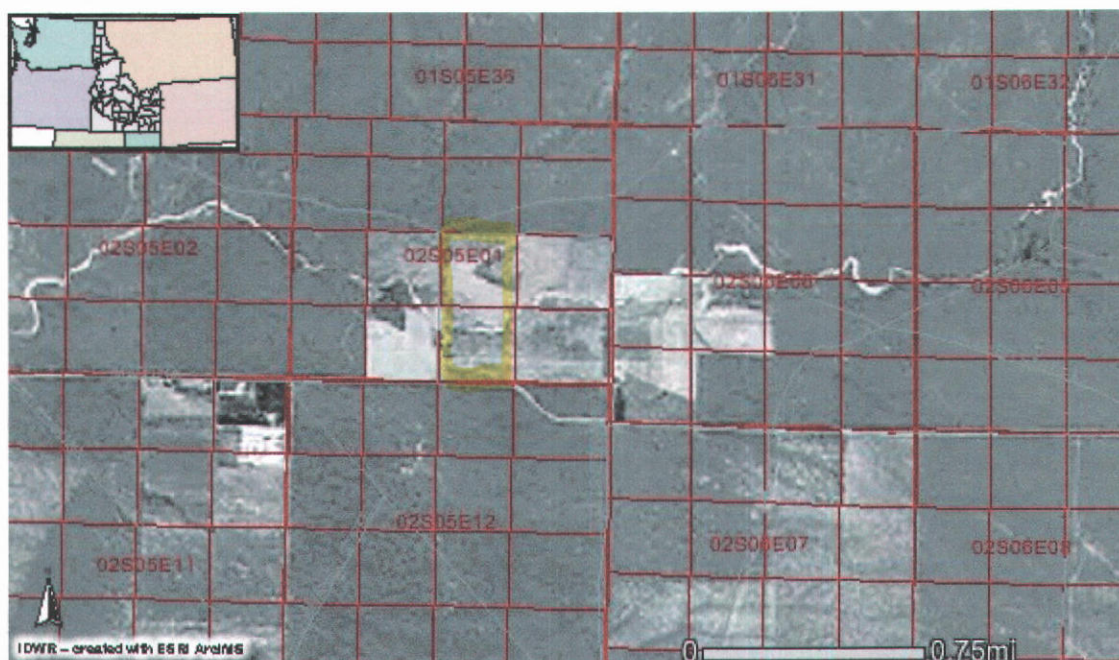




MICROFILMED

OCT 29 2003

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

RECEIVED

APR 15 2003

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
~~61-073848~~					
61-12018	61-12037 Adams				
	61-12038 Kelly				

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)

Dean Larson
453 Martha Ave, MTN Home Idaho 83647

4. New Owner/Claimant(s)

Bill Kelly, Linda J Kelly, Nick Kelly
 Name Connector (Check one) [] and, [] or, []

New Mailing Address

4535 S 18th St 8500 W. MARTHA AVE

City, State and ZIP Code

MTN Home Idaho 83647

New Telephone Number

208 555 2227 796-2223

5. Date you acquired the property

7/10/01

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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 <u>61-07384B 61-12018</u>		
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	<u>.22 cfs / 80.0 AFY</u>	<u>20 acres</u>
Stock		
Domestic		
Other		
Total	<u>.22 cfs / 80.0 AFY</u>	

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) [Signature]
(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>LS</u>	Date <u>4/11/03</u>	Fee <u>25 + \$75.00</u>	
Received by <u>LS</u>	Date <u>4/11/03</u>	Receipt No <u>W030326 / C 069337</u>	
Processed by <u>LS</u>	AJ Date _____	WR _____	Date _____

MICROFILMED

WARRANTY DEED

FOR VALUE RECEIVED

Dean A. Larson and Robin M. Larson, husband and wife

GRANTOR(s) do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

William J. Kelly and Nicki L. Kelly, husband and wife

GRANTEE(s) whose address is. 4915 South 18th East Street, Mountain Home, Idaho

the following described real property in **ELMORE** County, Idaho to wit:

Township 2 South, Range 5 East, Boise Meridian, Elmore County, Idaho

Section 1: The East ½ of the West ½ of the Southeast ¼

Subject to a 20 foot easement along the South boundary line for the East 100 feet of said parcel

Subject to: Taxes, easements and restrictions of record.

TO HAVE AND TO HOLD 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 they are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: 07/10/01

Dean A. Larson
Dean A. Larson

Robin M. Larson
Robin M. Larson

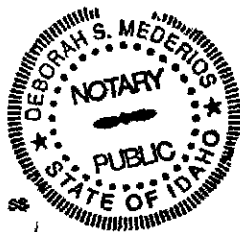
State of IDAHO

County of ELMORE

On this 10th day of July 2001, before me, a notary public in and for said State, personally appeared Dean A. Larson and Robin M. Larson, personally known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

329738



Deborah S. Medeiros
Notary Public for Idaho
Residing at: Mtn Home
Commission Expires: 11/3/05

ELMORE COUNTY, IDAHO ss
Request of

FIRST AMERICAN

Time 4:10 P.M.

Date July 10, 2001

GAIL L. BEST, Recorder

By Chad A. Lyle
Deputy

Fee \$3.00

MICROFILMED

Order No. FA-9684

329853

ELMORE COUNTY, IDAHO ss
Request of

FIRST AMERICAN

Time 4:13 P.M.

Date July 16, 2001

CAIL BEST, Recorder

By [Signature] Deputy

Fee \$3.00

SPECIFIC POWER OF ATTORNEY

Know all men by these presents that

Nicki L. Kelly

whose address is: 4915 South 18th East Street, Mountain Home, Idaho

do(es) hereby make and appoint

William J. Kelly

whose address is: 4915 South 18th East Street, Mountain Home, Idaho

my true and lawful attorney, to specifically do every act and sign all documents including but not limited to. Deeds, Mortgages and Deeds of Trust, Loan Closing Statements, Escrow Instructions, Exchange Documents, Purchase and Sale Agreements and/or Contracts and indemnities necessary to facilitate the Sale, Purchase, Exchange, Refinance and the Construction of Improvements on the property described as follows

Township 2 South, Range 5 East, Boise Meridian, Elmore County, Idaho

Section 1:

East ½ East ½ Southwest ¼ SAVE and EXCEPT the East ½ East ½ East ½ Southeast ¼ Southwest ¼

West ½ West ½ Southeast ¼ SAVE and EXCEPT the West ½ West ½ West ½ Southwest ¼ Southeast ¼

West ½ U.S. Government Lot 6 SAVE and EXCEPT the West 660 feet of U.S. Government Lot 6

U.S. Government Lot 7 SAVE and EXCEPT the West 660 feet of U.S. Government Lot 7 together with a 20 foot easement along the South boundary of the West 660 feet of said U.S. Government Lot 7.

This is a specific power of attorney limited to the above described powers and is not to be construed as generating a general power of attorney for all purposes.

Dated July 5th, 2001

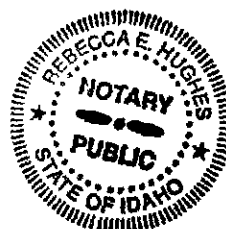
[Signature of Nicki L. Kelly]
Nicki L. Kelly

State of IDAHO
County of ELMORE

On this 5th day of July 2001, before me, the undersigned, personally appeared Nicki L. Kelly, known or identified to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same

WITNESS my hand and official seal.

[Signature of Notary Public]
Notary Public
Residing at Mountain Home, Idaho
Commission Expires: 1/30/04



MICRO

Order No FA-9689

WARRANTY DEED

FOR VALUE RECEIVED

Dean A. Larson and Robin M. Larson, husband and wife

GRANTOR(s) do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

William J. Kelly and Nicki L. Kelly, husband and wife

GRANTEE(s) whose address is: 4915 South 18th East Street, Mountain Home, Idaho

the following described real property in ELMORE County, Idaho to wit

Township 2 South, Range 5 East, Boise Meridian, Elmore County, Idaho

Section 1: The East $\frac{1}{2}$ of the West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$

Subject to a 20 foot easement along the South boundary line for the East 100 feet of said parcel

Subject to. Taxes, easements and restrictions of record

TO HAVE AND TO HOLD 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 they are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever

Dated, 07/10/01

Dean A. Larson
Dean A. Larson

Robin M. Larson
Robin M. Larson

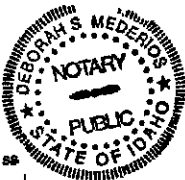
State of IDAHO

County of ELMORE

On this 10th day of July, 2001, before me, a notary public in and for said State, personally appeared Dean A. Larson and Robin M. Larson, personally known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same

WITNESS my hand and official seal

329738



Deborah S. Medeiros
Notary Public for Idaho
Residing at Mtn Home
Commission Expires. 11/3/05

ELMORE COUNTY, IDAHO ss
Request of

FIRST AMERICAN

Time 4:10 P.M.

Date July 10, 2001

DAVID L. BEST, Recorder

By David M. Best

Deputy

Fee 3.00

MICRO. 11/3/05

11/3/05



1/10/1976
1/10/1976

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 61-12038

WATER RIGHT NUMBER: 61-12038

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WESTERN IDAHO PRODUCTION CREDIT ASSN PO BOX 891 MOUNTAIN HOME, ID 83647
Original Owner	HAYWOOD P HONEYCUTT JR PO BOX 451 MOUNTAIN HOME, ID 83647 (208) 796-2113
Current Owner	WILLIAM J KELLY 8500 W MARTHA AVE MOUNTAIN HOME, ID 83647 (208) 796-2223
Current Owner	NICKI L KELLY 8500 W MARTHA AVE MOUNTAIN HOME, ID 83647 (208) 796-2223

Priority Date: 04/20/1979**Basis: Decreed****Status: Active**

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0 220 CFS	80 00 AF
	<u>Total Diversion</u>	0 220 CFS	80 00 AF

Location of Point(s) of Diversion

GROUND WATER	L7 (SE1/4SE1/4)	Sec 1, Twp 02S, Rge 05E, B.M.
ELMORE County		

Place of UseIRRIGATION Within ELMORE County

T02S R05E S01	NWSE 10.0	T02S R05E S01	SWSE 10.0
---------------	-----------	---------------	-----------

Total Acres: 20

Conditions of Approval

- 1 C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE SECTION 42-1412(6), IDAHO CODE.

MICRO, IDAHO

JUN 11 2003

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 61-12038

Conditions of Approval. (continued)

- 2 C15 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61
WATER RIGHT NO SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM
THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY
FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN. WATER RIGHT NO
SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED
SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY

Remarks

1. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 65 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. Explanatory AFTER SPECIFIC NOTIFICATION BY THE DEPARTMENT, THE RIGHT HOLDER OF RIGHT NO 61-07384B SHALL INSTALL A SUITABLE MEASURING DEVICE OR SHALL ENTER INTO AN AGREEMENT WITH THE DEPARTMENT TO DETERMINE THE AMOUNT OF WATER DIVERTED FROM POWER RECORDS AND SHALL ANNUALLY REPORT THE INFORMATION TO THE DEPARTMENT

Comments:

1. scurtis 6/6/2003 Ownership Change

Comment: Rights 61-12037 and 61-12038 are the results of a split of Right 61-12018 by an ownership change

Dates and Other Information:

Decreed Date: 10/26/2000

MICROFILMED

1997-11-14



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

October 15, 2003

WILLIAM J KELLY
8500 W MARTHA AVE
MOUNTAIN HOME ID 83647

**RE: APPLICATION TO LEASE WATER RIGHT NO. 61-12038 TO THE WATER
SUPPLY BANK**

Dear Mr. Kelly:

The department has completed its review of the Applications to Sell or Lease Water Right(s) to the Water Supply Bank ("bank") Please consider that the offered water right(s) are accepted into the bank.

Several items to keep in mind in connection with the lease of a water right to the bank are as follows:

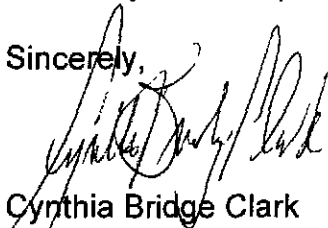
1. There is no rental payment to the owner of the water right if the right or a part thereof is not rented from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.
6. The lessor may be required to provide evidence of availability of the surface water source prior to rental of the right.

MICHAEL KELLER

October 15, 2003

If you have questions, please feel free to contact me.

Sincerely,



Cynthia Bridge Clark
Water Allocation Bureau

c: Steve Lester - IDWR W Regional Office
61-12038

MICAClient

001 - 0.7507

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK**

Name of Seller/Lessor WILLIAM J KELLY Phone 796-2223
Post office address 8500 W. MARTHA AVE MT HOME, ID 83647

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by:

- a Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated 10/26/2000 in _____ county of _____ (Name of court)
- b License No. _____ issued by the Idaho Department of Water
Resources
- c Permit No. _____ issued by the Idaho Department of Water
Resources.

**2. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE: (If the entire right is for sale or lease,
show "all" on line a below and skip the remainder of part 2.)**

- a. Amount of water under right: ALL cubic feet per second &/or
_____ acre-feet per annum
- b. Point of diversion: SE 1/4 of SE 1/4 of Section 1 Township 25 Range
SE B.M. in ELMORE County.
Additional points _____

c. Place of use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
25	SE	1														10	10		20

If the right is for irrigation, show the number of acres for the part of the right to be put into the bank.

Total number of acres ALL

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

- a. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the seller/lessor, attach a copy of a change of ownership form as required by Section 42-248 or 42-1409(6), Idaho Code, together with required documentation.

ACQUIRED THROUGH PURCHASE OF PROPERTY

- b. Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years).

UNKNOWN

- c. If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right.

N/A

- d. Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source? If so, describe

NONE

- e. If the water right is a permit, describe the work accomplished toward developing the right.

N/A

- f. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

4. REMARKS:

5. SALE/LEASE AGREEMENT

1 The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For sale;

/ For lease for a period from INDEFINITE to _____
(Day, month, year) (Day, month, year)

(The lease period may be shown as "indefinite", if the total duration of lease is unknown); or

_____ As a gift to the state of Idaho.

2. Show the minimum payment acceptable to the Seller/Lessor. Include the method of determining the minimum payment. The minimum payment may be shown as the "current rental rate".

CURRENT RENTAL RATE

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

6/20/03
Date

[Signature]
Signature

FOR DEPARTMENT USE ONLY

Received by C. J. [Signature] Date 6/23/03 Preliminary check by CJC

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

MICHAEL [Signature]

WARRANTY DEED

FOR VALUE RECEIVED

Dean A. Larson and Robin M. Larson, husband and wife

GRANTOR(s) do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

William J. Kelly and Nicki L. Kelly, husband and wife

GRANTEE(s) whose address is: 4915 South 18th East Street, Mountain Home, Idaho

the following described real property in **ELMORE** County, Idaho to wit:

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Section 1: The East ½ of the West ½ of the Southeast ¼

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Dated: 07/10/01

Dean A. Larson
Dean A. Larson

Robin M. Larson
Robin M. Larson

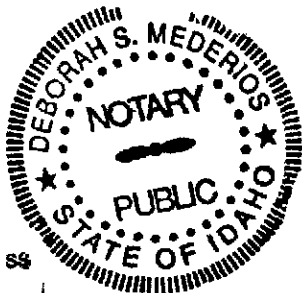
State of IDAHO

County of ELMORE

On this 10th day of July 2001, before me, a notary public in and for said State, personally appeared **Dean A. Larson and Robin M. Larson**, personally known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

329738



Deborah S. Medeiros
Notary Public for Idaho
Residing at: Mtn Home
Commission Expires: 11/3/05

ELMORE COUNTY, IDAHO ss
Request of

FIRST AMERICAN

Time 4:10 P.M.
Date July 10, 2001
GAIL L. BEST, Recorder
By Deborah M. Lyle
Deputy
Fee \$3.00

REC'D
JUL 10 2001



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

June 6, 2003

WILLIAM J KELLY
NICKI L KELLY
8500 W MARTHA AVE
MOUNTAIN HOME ID 83647

RE: Change of Ownership for Water Right 61-12038

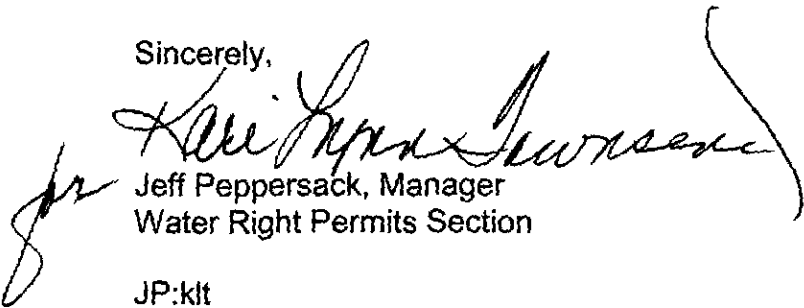
Dear Water Right Holder(s):

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 additional \$75.00 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

MICROFILMED

JUN 10 2003