

No Color
Documents
In File



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

DATE OF CLOSING: 10/23/00

LEGAL DESCRIPTION OF PROPERTY: Township 5S Range 10E OCT 31 2000
Section 32, 1/4 of 1/4 of 1/4, Govt. Lot , BM.

Lot 3, Block , Subdivision/Townsite .

If you have additional legal descriptions, please attach separate sheet.

Department of Water Resources

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s) Assigned by IDWR: 61-11900 PD, 10-26-00

☐ Name and Address of Former Owner/Claimant(s)(Seller): Robert C. & Elaine I. Cunningham

PO Box 760

Glenns Ferry, ID 83623

☐ New Owner/Claimant (Purchaser): Donald R. & Donna L. Carnahan

☐ New Mailing Address: Box 62 RR#1
King Hill, ID 83633

☐ New Telephone Number: (208) 366 - 2192

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes XX no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached:

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s) Donald R. Carnahan Date 10/26/00

☐ Signature of Former Owner/Claimant(s): Elaine Cunningham Date 10/23/2000

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:

Further Action Taken
Date: _____ By: _____

Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

Receipt # C051009
11.3.10
\$25 MICROFILMED
J. MAS
MAR 11 2003

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

WARRANTY DEED

FOR VALUE RECEIVED

Robert C. Cunningham and Elaine I. Cunningham, husband and wife

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

325000

Donald R. Carnahan and Donna L. Carnahan, husband and wife

GRANTEE(s) whose address is: **Box 62 RR1, King Hill, Idaho 83633**

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

See Parcel 1 and Parcel 2:

Parcel 1:

Township 5 South, Range 10 East, Boise Meridian, Elmore County, Idaho

ELMORE COUNTY, IDAHO ss
Request of
FIRST AMERICAN
Time 4:46 P.M.
Date October 23, 2000
GAIL L. BEST, Recorder

By [Signature] Deputy
Fee \$6.00

Section 32: A parcel of land being a portion of the Southeast ¼ of the Northwest ¼, said parcel being more particularly described as follows:

Commencing at a 2 inch pipe and brass cap marking the Northwest corner of Section 32, T.5S., R.10E., B.M., Elmore County, Idaho; thence, South 8°01' East 106.54 feet to a point on the centerline of the old main track of the Oregon Short Line Railroad; thence, North 71°59' East 996.30 feet along the said railroad centerline to a point on the centerline of Commercial Street extended; thence, South 18°01' East 1,705.40 feet along the centerline of Commercial Street extended to a ½" x 24" rebar marking the intersection of Snake River Avenue; thence North 71°59' East 290.00 feet along the centerline of Snake River Avenue to a point; thence South 18°01' East 30.00 feet to an iron pin; thence North 71°59'00" East 75.00 feet along the right-of-way of said Snake River Avenue to an iron pin; thence, South 18°01'00" East 120.00 feet to an iron pin, said point being the **REAL POINT OF BEGINNING**;

thence along the following courses and distances to iron pins:

continuing South 18°01'00" East 77.00 feet;

thence, North 64°38'10" East 47.37 feet;

thence, South 22°58'15" East 220.17 feet;

thence, South 66°41'46" West 154.50 feet;

thence, North 83°10'34" West 51.84 feet;

thence, North 20°21'00" West 272.98 feet;

thence, North 18°01'00" West 10.00 feet;

thence, North 71°59'00" East 146.00 feet to the **REAL POINT OF BEGINNING**.

SUBJECT TO:

Any easements or rights of way of record or in use.

Parcel 2:

Township 5 South, Range 10 East, Boise Meridian, Elmore County, Idaho

Section 32: A parcel of land being a portion of the Southeast ¼ of the Northwest ¼, said parcel being more particularly described as follows:

Commencing at a 2 inch pipe and brass cap marking the Northwest corner of Section 32, T.5S., R.10E., B.M., Elmore County, Idaho; thence South 8°01' East 106.54 feet to a point on the centerline of the old main track of the Oregon Short Line Railroad; thence, North 71°59' East 996.30 feet along the said railroad centerline to a point on the centerline of Commercial Street extended; thence, South 18°01' East 1,705.4 feet along the centerline of Commercial Street extended to a ½" x 24" rebar marking the intersection of Snake River Avenue; thence, North 71°59' East 290.00 feet along the centerline of Snake River Avenue to a point; thence South 18°01' East 30.00 feet to an iron pin; thence North 71°59'00" East 75.00 feet along the right-the-way of said Snake River Avenue to an iron pin; thence, South 18°01' East 197.00 feet to an iron pin; thence, North 64°38'10" East 47.37 feet to an iron pin, said point being the **REAL POINT OF BEGINNING**;

MAR 11 2003

thence along the following courses and distances to iron pins:
continuing North 64°38'10" East 179.48 feet;
thence, North 17°22'43" West 37.41 feet (formerly North 18°01' East 38.00 feet);
thence, North 80°18'27" East 188.19 feet; (formerly North 80°13' East) 189.40 feet);
thence, South 6°04'59" (formerly South 6°00' West) 40.00 feet;
thence, South 60°00'28" West 174.91 feet (formerly South 60°00' West 175.00 feet);
thence, South 17°57'52" East (formerly South 18°01' East) 165.03 feet;
thence, South 66°41'46" West 158.69 feet;
thence, North 22°58'15" West 220.17 feet to the REAL POINT OF BEGINNING

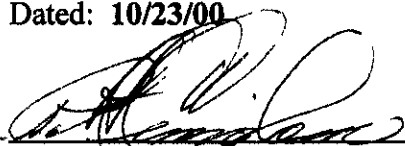
SUBJECT TO:

Any easements or rights-of-way of record or in use.

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: 10/23/00


Robert C. Cunningham

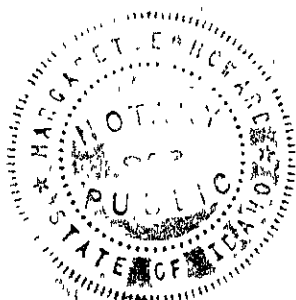

Elaine I. Cunningham

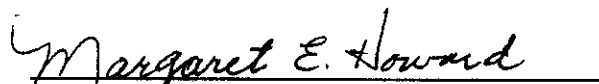
State of IDAHO

County of ELMORE

On this 23rd day of October, 2000, before me, a notary public in and for said State, personally appeared **Robert C. Cunningham and Elaine I. Cunningham**, 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.




Notary Public
Residing at: Mountain Home, ID
Commission Expires: 6-06-01

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 61-11900

NAME AND ADDRESS: ELAINE I CUNNINGHAM
ROBERT C CUNNINGHAM
PO BOX 760
GLENNS FERRY, ID 83623

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS
1.20 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 07/03/1985

POINT OF DIVERSION: T05S R10E S32 LOT 03 (SENW) Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	01-01 TO 12-31	0.04 CFS 1.20 AFY

PLACE OF USE: Domestic Within Elmore County
T05S R10E S32 SENW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

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MAR 11 2003



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

January 31, 2003

DONALD R CARNAHAN
DONNA L CARNAHAN
BOX 62, RR 1
KING HILL ID 83633

RE: Change of Ownership for Water Rights 61-10001 and 61-11900

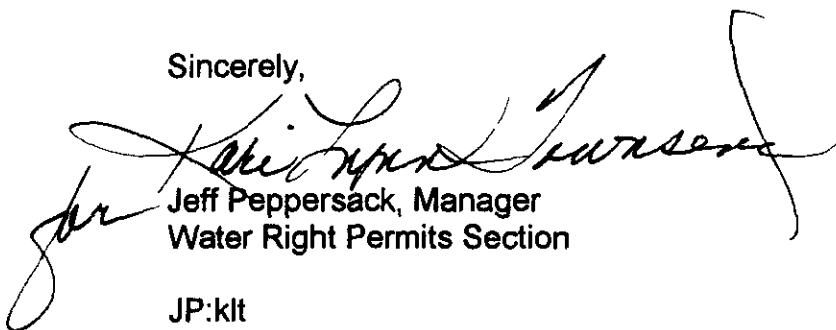
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records.

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

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MAR 11 2003

Receipt # C051009
Date 11-2-00
By: [signature]



RECEIVED

NOV - 3 2000

Department of Water Resources

RECEIVED

NOV - 3 2000

Department of Water Resources

First American Title Company
of Mountain Home

November 2, 2000

MAIL

Idaho Department of Water Resources
Attn: KariLynn Townsend
PO Box 83720
Boise, ID 83720-0098

Re: Water Right # 61-11900
Water Right # A61-10001
Water Right # A 02-10000

FA-9124
Carnahan/Cunningham

Dear Ms. Townsend.

I previously sent signed Change of Ownership documents to your department for the above referenced water rights. Per my conversation with Sally Sherman you require the enclosed to complete the change.

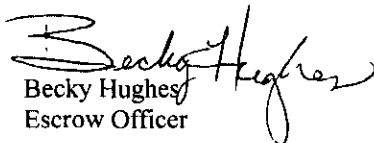
Attached are the following:

- Our check no. 1232 in the amount of \$50.00 representing the filing fees for # 61-11900 and # A61-10001 There is no fee required for # A 02-10000
- Copy of recorded Warranty Deed from Cunninghams to Carnahans.
- Copy of maps attached to Cunninghams' original water right documents.

Please contact me if you have any questions or if I may be of further assistance.

Sincerely,

FIRST AMERICAN TITLE COMPANY


Becky Hughes
Escrow Officer

Attachment(s)

9124wat

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MAR 11 2003

SERVING ELMORE COUNTY

190 North Third East, Mountain Home, ID 83647 • (208) 587-8428 • Fax (208) 587-1325

E-mail fatmh@micron.net • Toll Free 1-888-580-8428



First American Title Company
of Mountain Home

October 30, 2000

MAIL

RECEIVED

OCT 31 2000

Idaho Department of Water Resources
Attn: Adjudication Bureau
Statehouse Mail
Boise, ID 83720-9000

Department of Water Resources

Re: Order No. FA-9124

Portion of Section 32, 5South, 10East
Carnahan/Cunningham

Dear Ladies & Gentlemen:

In connection with the above mentioned order please find the following:

<u> X </u>	Original Notice of Change of Water Right Ownership for the Hot Water Well.
<u> X </u>	Original Notice of Change of Water Right Ownership for the Cold Water Well.
<u> X </u>	Original Notice of Change of Water Right Ownership for the River Water

Please contact me if you have any questions or if I may be of further assistance.

Sincerely,

FIRST AMERICAN TITLE COMPANY


Becky Hughes
Escrow Officer

Attachment(s)

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MAR 11 2003

SERVING ELMORE COUNTY
190 North Third East, Mountain Home, ID 83647 • (208) 587-8428 • Fax (208) 587-3325
E-mail fatmh@micron.net • Toll Free 1-888-580-8428