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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
<u>57-07051A</u>					
<u>57-07100</u>					

2. The following REQUIRED information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts! \$25 - EA
- 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)

Tracy Silver / Teresa Silver
3954 Track RD / Melba Id 83641

4. *New Owner/Claimant(s)

Ted Cantrell / Sandy Cantrell
Name Connector (Check one) ☐ and, ☐ or, ☒ and/or

- *New Mailing Address

HC85 Box 189

- City, State and ZIP Code

Bruneau Id 83604

- New Telephone Number

(208) 834-2153

5. Date you acquired the property

12-28-01

MILITARY
12-28-01

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)

Teal Cantrell
Sandy Cantrell

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.

MICROFILMED
JUN 05 2003

For Office Use Only

Received by <u>AB</u>	Date <u>3-6-02</u>	Fee <u>\$25-EA (\$500 total)</u>
Received by <u>AB</u>	Date <u>3-6-02</u>	Receipt No. <u>W021837</u>
Processed by _____	AJ Date _____	WR _____ Date _____

WARRANTY DEED

TRACY G. SILVER and TERESA L. SILVER, Trustees of THE LOVE RANCH CHARITABLE TRUST FOUNDATION U/T/A dated December 4, 1992, hereinafter collectively known as "Grantors," do hereby convey, grant and warrant to THEODORE CANTRELL and SANDRA CANTRELL, husband and wife, herein collectively referred to as "Grantees," whose address is HC 85, Box 189, Bruneau, Idaho 83604, for the sum of TEN DOLLARS and other good and valuable consideration, the following described real property, to-wit:

Parcel No. 1:

COMMENCING at the NW corner of Section 31, Township 5 South, Range 4 East, B. M., Owyhee County, Idaho, and running thence South along the West boundary of said Section 31, a distance of 1200 feet to the North boundary of the right of way of the Canal known as the Grand View Mutual Canal; running thence South 77°00' East a distance of 126 feet to a point; thence South 63°30' East a distance of 425 feet to a point; thence South 56°30' East a distance of 685 feet to a point; thence South 63°15' East a distance of 775 feet to a point; thence South 32°00' East a distance of 495 feet to a point; thence South 73°30' East a distance of 735 feet to a point; thence South 74°10' East a distance of 700 feet to a point; thence South 51°25' East a distance of 415 feet to a point; thence South 68°25' East a distance of 620 feet to a point; thence South 70°55' East a distance of 660 feet to a point; thence South 73°10' East a distance of 635 feet to a point; thence South 79°40' East a distance of 700 feet to a point; said point being on the Shoofly pipeline connecting the Grand View Mutual Canal with the old Shoofly Pumping Plant; thence North 14°00' East a distance of 1030 feet along said pipeline to the North boundary line of the NW¼SW¼ of Section 32, Township 5 South, Range 4 East, B. M., Owyhee County, Idaho; thence North 89°53' West a distance of 1020 feet along the said boundary line to the quarter corner common to Sections 31 and 32, Township 5 South, Range 4 East, B.M., Owyhee County, Idaho; thence North 0°12' East a distance of 1180 feet, more or less, to the South boundary line of the right of way of the Grand View Irrigation District Canal; thence North 57°20' West a distance of 325 feet along said right of way line to the North boundary line of the SE¼NE¼ of said Section 31; thence North 89°53' West a distance of

10/10/00
10/10/00
10/10/00

3700 feet, more or less, along the North boundary line of the S $\frac{1}{2}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 31 to the SE corner of Lot 2, Section 31; Township 5 South, Range 4 East, B.M. Owyhee County, Idaho; thence North along said boundary line of Lot 2 to the NE corner of said Lot; thence North 89°53' West along the Section line between Sections 31 and 30 to the REAL POINT OF BEGINNING.

EXCEPTING THEREFROM any portion of the above-described land in Section 32 and in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 31; and

EXCEPTING THEREFROM a parcel of land lying in portions of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, all in T.5S., R.4E., B.M., Owyhee County, Idaho, said parcel being more particularly described as follows:

Commencing at the Brass Cap marking the North 1/16 corner common to Sections 31 and 32, T.5S., R.4E., B.M., Owyhee County, Idaho;

Thence, N. 89° 54' 40" W. 1322.46 feet to a Brass Cap marking the NE 1/16 corner of said Section 31 and the *point of beginning*;

Thence along the following courses and distances to iron pins:

S. 00° 10' 20" W. 2071.40 feet along the East 1/16 Line;

Thence, N. 76° 22' 23" W. 234.28 feet;

Thence, N. 00° 10' 20" E. 2016.50 feet to the North 1/16 Line of said Section 31;

Thence, S. 89° 55' 32" E. 227.85 feet to the *point of beginning*, said parcel containing 10.69 acres.

Parcel No. II:

That portion of Lot 9 in Section 30, Township 5 South, Range 4 East, B.M., Owyhee County, Idaho, lying South of the Grand View Irrigation District Canal, County of Owyhee, Idaho.

THE ABOVE DESCRIBED PARCELS I AND II ARE SUBJECT TO two (2) easements more particularly described as follows:

Irrigation Easement

A 10-foot wide irrigation easement running over and across a portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, T. 5S., R. 4E., B.M., Owyhee County, Idaho, the centerline of said easement being more particularly described as follows:

Commencing at the Brass Cap marking the North 1/16 corner common to Sections 31 and 32, T. 5S., R. 4E., B.M., Owyhee County, Idaho;

Thence, N. 89° 54' 40" W. 1322.46 feet to a Brass Cap marking the NE 1/16 corner of said Section 31;

Thence, S. 00° 10' 20" W. 2071.40 feet along the East 1/16 Line to an iron pin;

Thence, N. 76° 22' 23" W. 234.28 feet to an iron pin;

Thence, N. 00° 10' 20" E. 11.64 feet to the centerline of an existing irrigation ditch, said point being the *point of beginning of centerline*.

Thence, along said centerline of a 10-foot wide irrigation easement the following courses and distances:

N. 68° 17' 03" W. 44.64 feet;

Thence, N. 74° 42' 16" W. 238.19 feet;

Thence, N. 65° 07' 50" W. 57.28 feet;

Thence, N. 59° 22' 53" W. 93.74 feet;

Thence, N. 54° 59' 32" W. 97.80 feet;

Thence, N. 56° 34' 34" W. 52.28 feet to an existing headgate;

Thence, S. 21° 09' 55" W. 38.13 feet to the point of diversion from the Grandview Mutual Canal and the *point of ending of said centerline*.

Well Easement

A well easement running over and across a portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, T. 5S., R. 4E., B.M., Owyhee County, Idaho, said easement being more particularly described as follows:

Commencing at the Brass Cap marking the North 1/16 corner common to Sections 31 and 32, T. 5S., R. 4E., B.M., Owyhee County, Idaho;

Thence, N. 89° 54' 40" W. 1322.46 feet to a Brass Cap marking the NE 1/16 corner of said Section 31;

Thence, N. 89° 55' 32" W. 227.85 feet along the North 1/16 Line to an iron pin;

Thence, S. 00° 10' 20" W. 941.93 feet to the *point of beginning*;

Thence, continuing, S. 00° 10' 20" W. 100.00 feet;
Thence, N. 89° 49' 40" W. 60.14 feet to a point of curve;
Thence, along a curve to right 157.08 feet, said curve having a delta of 180° 00' 00", a radius of 50.00 feet and a long chord of 100.00 feet which bears N. 00° 10' 20" E. to a point of tangent;
Thence, S. 89° 49' 40" E. 60.14 feet to the *point of beginning*.

Parcel No. III (Irrigation Easement):

A parcel of land being a 30-foot wide irrigation pipe/ditch easement running over and across a portion of the South ½ of Section 25 and a portion of the NE ¼ NE ¼ of Section 36, all in T.5S., R.3E., B.M., Owyhee County, Idaho, the centerline of said easement being more particularly described as follows:

Commencing at the Brass Cap marking the NW 1/16 corner of Section 31, T.5S., R.4E., B.M., Owyhee County, Idaho; thence, N.89° 55' 50" W. 1570.29 feet to a Brass Cap marking the North 1/16 corner common to said Section 31 and said Section 36; thence, N. 00° 04' 28" W. 595.92 feet along the line common to said Sections 31 and 36 to the *point of beginning of centerline*;

Thence along said centerline of a 30-foot wide irrigation pipe/ditch easement the following courses and distances:

N. 62° 28' 42" W. 579.33 feet;

Thence, N. 57° 51' 18" W. 1046.36 feet;

Thence, N. 61° 43' 04" W. 682.86 feet;

Thence, N. 62° 22' 49" W. 442.61 feet;

Thence, N. 73° 17' 02" W. 286.53 feet;

Thence, N. 71° 35' 13" W. 289.11 feet;

Thence, N. 71° 59' 00" W. 116.11 feet;

Thence, N. 64° 10' 30" W. 250.59 feet;

Thence, N. 70° 50' 00" W. 297.94 feet;

Thence, S. 81° 28' 48" W. 116.59 feet;

Thence, S. 75° 45' 19" W. 86.30 feet;

Thence, S. 60° 42' 22" W. 919.07 feet;

Thence, S. 41° 25' 39" W. 125.24 feet;

Thence, N. 86° 11' 49" W. 55.98 feet to the centerline of Shoofly Creek and the *point of ending of said centerline*.

SUBJECT TO taxes and assessments for the year 2001 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anywise appertaining to the property herein described.

The Grantor covenant to the Grantees that they are the owners in fee simple of said premises; that the premises are free from all encumbrances, excepting those as may be herein set forth, and excepting those of record, and that they will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, the Grantor executed this instrument on this 28th day of December, 2001.

LOVE RANCH CHARITABLE
TRUST FOUNDATION
U/T/A dated December 4, 1992

Theodore Cantrell
Theodore Cantrell

Sandra K. Cantrell
Sandra Cantrell

"BUYERS"

By: Tracy G. Silver
Tracy G. Silver, Trustee

By: Teresa L. Silver
Teresa L. Silver, Trustee

Tracy G. Silver
Tracy G. Silver

Teresa L. Silver
Teresa L. Silver

"EASEMENT GRANTORS"

STATE OF IDAHO)
County of Elmore : ss.
Canyon)

On this 28th day of December, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Tracy G. Silver and Teresa L. Silver, as Co-Trustees of The Love Ranch Charitable Trust Foundation, U/T/A dated December 4, 1992, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same on behalf of said trust.

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

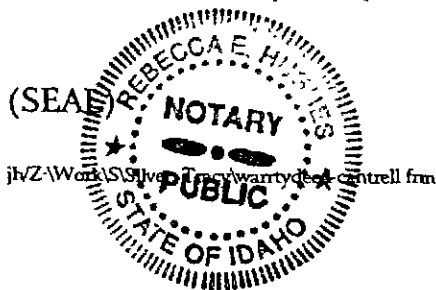


Rebecca E. Hughes
Notary Public for Idaho
Commission expires: 1/30/04

STATE OF IDAHO)
County of Elmore : ss.
Canyon)

On this 28th day of December, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Theodore and Sandra Cantrell, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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



Rebecca E. Hughes
Notary Public for Idaho
Commission expires: 1/30/04

Agreement, and the said costs and attorney fees thereof shall be paid by Buyer in addition to all other payments due in order to cure a default in payments, and failure to pay said costs and attorney fees shall be a material and substantial breach of this Agreement.

13. Personal Property - Bill Of Sale. Seller agrees to execute and deliver in escrow a Bill of Sale for the personal property included with this sale, transferring unto Buyer Sellers interest in the personal property included with this sale. A list of personal property included with this sale, is attached to this Agreement as Exhibit "B," and by this reference is incorporated herein. Upon complete performance of the obligations in this Agreement the escrow agent shall deliver to Buyer the Bill of Sale. Buyer has inspected the personal property and accepts its condition "as is."

14. Water Rights; Transaction Voidable. The parties acknowledge that certain water rights are contemplated to be transferred pursuant to this transaction, though the legitimacy of the groundwater rights is questionable. The water rights to be transferred pursuant to this transaction are set forth in Exhibit "C," which is attached hereto and by this reference incorporated herein. Seller agrees to execute any and all applicable transfer documents to effectuate a transfer of the water rights listed in Exhibit "C" to Buyer. If Seller is unable to effectuate a transfer of any or all of the water rights listed in Exhibit "C" to Buyer within six (6) months of the closing of this transaction, then Buyer, in their sole discretion may void this transaction, and Seller shall return to Buyer the down payment and the interest only payment, if such payment was actually made, within fifteen (15) days of advising Seller that Buyer wishes to void the transaction. If Seller successfully transfers the water rights listed in Exhibit "C" within six (6) months from closing, then Buyer has no right pursuant to this paragraph to void the transaction. The parties also acknowledge and agree that a point of diversion for groundwater is not provided as part of this transaction.

15. Access Easement Benefitting Subject Property. The parties acknowledge and understand that the subject real property is benefitted by a 30-foot wide access easement running along the northern boundary of the adjacent property to the east of the subject property, and leading to the subject property. This easement is reflected in the deeds for the adjacent property, which are attached hereto as Exhibits D, E and F, and by this reference incorporated herein. Buyer agrees that Tracy and Teresa Silver shall also have a right to use this access easement, and any extensions to this easement across the subject property, in order to have ingress/egress for their (Silvers') property, located adjacent and to the west of the subject property.

WATER RIGHTS

<u>SOURCE</u>	<u>NUMBER</u>	<u>QUANTITY</u>	<u>ACREAGE</u>
Ground Water	57-7051A	1.49 cfs	60 Acres
Shoofly Creek	57-07100	1.06 cfs	53 Acres
Grand View Mutual	(none avail.)	1.10 cfs	55 Acres

EXHIBIT "C"

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 57-07051A

1997 DEC 15 PM 3:10

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED - _____

NAME & ADDRESS: TRACY SILVER
TERESA SILVER
3954 TRACK RD
MELBA ID 83641

SOURCE: GROUNDWATER

QUANTITY: 1.49 CFS

USE OF THIS RIGHT WITH RIGHT NO. 57-07100 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.55 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 508.5 AF.

PRIORITY DATE: 10/23/1967

POINT OF DIVERSION: T05S R04E S31 SWNE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	1.49 CFS

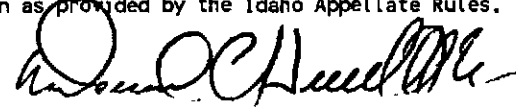
PLACE OF USE:	IRRIGATION	Within Owyhee County
	T05S R04E S31	SWNE 25 NWNW 18 SENW 17
	60 ACRES TOTAL	

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

RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM BASIN 02 FOR THE
SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE,
WHICH WILL BE INCLUDED IN A DIRECTOR'S REPORT TO BE FILED AT A
LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 02 REPORT
FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED
ABOVE WILL CONTAIN COMBINED USE LIMITATIONS FOR THIS RIGHT AND
THE BASIN 02 RIGHTS.

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.



DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication



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

March 13, 2002

TED CANTRELL
SANDY CANTRELL
HC 85 BOX 189
BRUNEAU ID 83604

RE: Change of Ownership for Water Rights 57-7051A and 57-7100

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

Enclosure

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WATER RESOURCES
WESTERN REGION

To whom it may concern

Inclosed is a ck for 50⁰⁰
for water rights #57-^{07051A}~~0751A~~ + #57-07100.
We were told that there was no
charge for the canal water right
A02-00202A, but if this changes
Please contact us & we will send
more \$

Thankyou

Ted Cantrell

Ted & Sandy Cantrell
HC 85 Box 189
Bruneau Id 83604

Home Ph	834-2153
Ted Work Ph	587-4746
Ted Cell Ph	599-0838

Please call if you have any
questions

Thanks

MICROFILMED



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 KEMP HORNE
Governor

KARI J. DREHER
Director

January 30, 2002

TED CANTRELL
SANDY CANTRELL
H.C. BOX 189
BRUNEAU ID 83604

RE: New ownership of property

Dear Mr. & Mrs. Cantrell:

We have been advised that you may be the current owners of property that was previously owned by Tracy & Teresa Silver.

Before we can modify our records to reflect your ownership of the property and the water right(s) appurtenant to that property, we need to have a Notice of Change in Water Right Ownership form completed and returned with the appropriate filing fee(s). I have enclosed a copy of this form for your convenience.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

Kari Lynn Townsend
Secretary

KLT:k

Enclosure

01/30/02

**CRISTOBAL
CONSTRUCTION, INC.**

805 South 18th West • P.O. Box 744 • Mountain Home, Idaho 83647
(208) 587-4746 • Fax (208) 587-4892

Fax

To: Karilynn Townsend From: Ted Cantrell

Fax: _____ Pages, (including cover page) 2

Phone: _____ Date: 2-6-02

RE: _____ CC: _____

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Comments:
