

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

RECEIVED**DEC - 6 2004****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
<u>65-18463</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)

Glen Beckwith
691 N. Cascade Dr

4. New Owner/Claimant(s)

Woodburn, OR 97071
 Name Connector (Check one) ☒ and, ☐ or, ☐ and/or

New Mailing Address

Donavon J. Koehn and Embert W. Koehn

City, State and ZIP Code

New Telephone Number

5. Date you acquired the property

JAN 13, 2003

New Owner's Address

as of Sept 24, 2004

Donavon J. Koehn
5718 Finley
Fruitland, ID. 83619

Phone No. (208) 452-6250

Embert W. Koehn
5750 SE 3rd Ave.
New Plymouth, ID
83655
 Phone No. (208) 278-3404

5718 Finley
Fruitland ID

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)

Thomas Koch
Ernst Koch

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 <i>MC</i>	Date <i>12-6-04</i>	Fee <i>\$ 25.00</i>
Received by <i>MC</i>	Date <i>12-6-04</i>	Receipt No. <i>CD76038</i>
Processed by _____	AJ Date _____	WR _____ Date _____

321541

RECEIVED
DEC - 6 2004
DEPARTMENT OF
WATER RESOURCES

RECORDING REQUESTED BY
KEITH C. KING

Instrument # 321541

PAYETTE COUNTY

2004-10-08

04:50:00 No. of Pages: 2

Recorded for : AMERITITLE

BETTY J DRESSEN

Ex-Officio Recorder Deputy

Index to WARRANTY DEED

Fee: 6.00

AND WHEN RECORDED MAIL THIS DEED TO.

KEITH C. KING
ATTORNEY AT LAW
510 WEST 21st STREET
MERCED, CALIFORNIA 95340

SPACE ABOVE THIS LINE FOR RECORDER'S USE

The undersigned declares:

This is a gift deed.

Transfer from parents to children

WARRANTY DEED

By this instrument dated Sept 24, 2004, for a valuable consideration

DAVID C. KOEHN and NORMA KOEHN, husband and wife, whose address is 5565 Sunset Road, Fruitland, Idaho, 83619, hereby GRANT to DONAVON J. KOEHN and EMBERT W. KOEHN, married men, as their separate property, in Joint Tenancy, the real property commonly known as 5565 Sunset Road, Fruitland, Idaho 83619, in the County of Payette, State of Idaho, and more fully described as follows:

PLEASE SEE EXHIBIT A

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said grantees, heirs and assigns forever. And the said grantors do hereby covenant to and with the said grantees that they are the owners in fee simple of said premises; that they are free from all encumbrances, excepting reservation, easements, encumbrances, restrictions and rights of way appearing of record and/or existing and that they will warrant and defend the same from all lawful claims whatsoever.

STATE OF IDAHO)
COUNTY OF PAYETTE) ss

On Sept. 24, 2004 before me,
Mick Patterson a Notary Public, personally appeared

before me DAVID C. KOEHN and NORMA KOEHN
personally known to me (or proved to me on the basis of satisfactory
evidence) 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 in his/her/their authorized capacity(ies) and that by his/her/
their signature(s) on the instrument the person(s), or the entity upon
behalf of which the person(s) acted, executed the instrument
WITNESS my hand and official seal

Signature Mick Patterson

David C. Koehn
DAVID C. KOEHN

Norma Koehn
NORMA KOEHN

Residing at: New Plymouth, Id
Commission Expires: 09/26/07

Notary Public

MICKI PATTERSON
NOTARY PUBLIC
STATE OF IDAHO

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE

David C. Koehn and Norma Koehn

5565 Sunset Road

Fruitland, ID 83619

321541

EXHIBIT A

In SUNSET SUBDIVISION, as per Plat in Book 3, Page 30, Plat Records, Payette County, Idaho:

In Block 1: Lot 1; EXCEPTING THEREFROM the following portion of Lot 1 of SUNSET SUBDIVISION, as per Plat in Book 3, Page 30, Plat Records, Payette County, Idaho, within the E1/2SE1/4SE1/4, Section 9, Township 7 North, Range 5 West, Boise Meridian, and being more particularly described as follows:
Beginning at the Northwest corner of said Lot 1;
thence along the North line of said Lot 1, North 89°59'42" East, a distance of 100.00 feet;
thence parallel to the West line of said Lot 1, South 00°09'01" East, a distance of 131.99 feet, to a point on the South line of said Lot 1;
thence along said South line, South 89°59'53" West, a distance of 100.00 feet, to the Southwest corner of said Lot 1;
thence along said West line, North 00°09'01" West, a distance of 131.98 feet to the point of beginning.

AND A portion of Lot 10 of said SUNSET SUBDIVISION, being more particularly described as follows:

Beginning at the Northeast corner of said Lot 10;
thence along the East line of said Lot 10, South 00°08'00" East, a distance of 88.00 feet;
thence South 89°59'53" West, a distance of 229.64 feet;
thence North 00°09'01" West, a distance of 88.00 feet, to a point on the North line of said Lot 10 in said Subdivision;
thence along said North line, North 89°59'53" East, a distance of 229.67 feet, to the point of beginning.

Per Sharon @ Payette County Assessor's office:
7N 5W 9
SE SE

AGREEMENT FOR RESERVATION OF LIFE ESTATE

WHEREAS DAVID C. KOEHN and NORMA KOEHN, are the owners of certain real property commonly known as 5565 Sunset Road, Fruitland, Idaho 83619; and

WHEREAS DAVID C. KOEHN and NORMA KOEHN now desire to make a gift of Grantors' interest in and to said real property to their children namely, DONAVON J. KOEHN and EMBERT W. KOEHN, married men, as their separate property ; and

WHEREAS DAVID C. KOEHN and NORMA KOEHN desire and intend to continue to live in and at their said residence and desire to retain for their joint lifetimes a Life Estate in and to said residential real property and to return to said residence at all times in the future; and

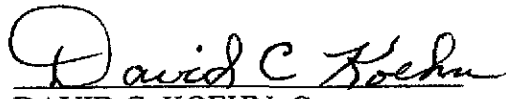
WHEREAS this Agreement, which is executed concurrently with the Grant Deed of said property, is also intended to reflect the retained personal right of occupancy by the Grantor and to subject the home to inclusion within the federal gross estate of Grantor for federal estate tax purposes, within the scope of the tax rules established by Linderme Estate v. Commissioner, 52 T.C. 305 (1969);

NOW, THEREFORE, it is agreed between the parties hereto, in consideration of the premises, that there is hereby expressly reserved from the said real property for the use and benefit of DAVID C. KOEHN and NORMA KOEHN, a Life Estate therein. Grantees may not sell or transfer the home during the Grantors' joint lifetimes.

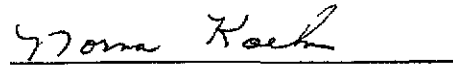
The said real property is described as follows:

PLEASE SEE EXHIBIT A

DATED: 9-24-04


DAVID C. KOEHN, Grantor

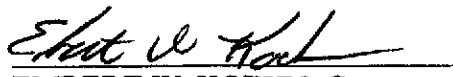
DATED: 9-24-04


NORMA KOEHN, Grantor

DATED: 9-24-04


DONAVON J. KOEHN, Grantee

DATED: 9-24-04


EMBERT W. KOEHN, Grantee

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 65-18463

NAME AND ADDRESS: E LOUISE BECKWITH
GLEN E BECKWITH
5565 SUNSET RD
FRUITLAND, ID 83619

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 10/19/1977

POINT OF DIVERSION: T07N R05W S09 NESESE Within Payette County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS

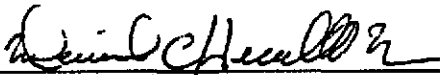
PLACE OF USE: Domestic Within Payette County
T07N R05W S09 SESE

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.

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

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 13, 2005

DONAVON J KOEHN
5718 FINLEY RD
FRUITLAND ID 83619

EMBERT W KOEHN
5750 SE 3RD AVE
NEW PLYMOUTH ID 83655

RE: Change of Ownership for Water Right 65-18463

Dear Water Right Holders:

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.

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,

fdr Jeff Peppersack, Manager
Water Right Permits Section

JP:eja

Enclosure

MEMORANDUM

DATE: November 17, 2004
FROM: JUSTIN ALDRIDGE
TO: FILE 65-18463
RE: Telephone conversation

=====

David C Koehn called concerning the deficiency letter I had sent him on October 15. He said that in September of 2004 the property in question had been conveyed to his son/sons (not sure). I told him that I would just bypass the Ownership Change process on him and move directly to the new owner of the property. To get this process moving I mailed him a blank Ownership Change notice on November 17. He said he would have his son/sons complete the form and return it with the necessary fee and documentation.

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

RECEIVED

MAR 28 2003

RECEIVED

MAR 27 2003

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

 WATER RESOURCES
 WESTERN REGION

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>A65-18463</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) GLEN E. Beckwith or E Lousie Beckwith
691 N. Cascade Dr, Woodburn, OR. 97071
4. New Owner/Claimant(s) David C. Koehn or Norma L. Koehn
 Name Connector (Check one) ☐ and ☒ or ☐ and/or
- New Mailing Address 5565 Sunset Rd.
- City, State and ZIP Code Fruitland, ID. 83619
- New Telephone Number (208) 452-7856
5. Date you acquired the property JAN 13, 2003

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) David C. Koehn
(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>DH</u>	Date <u>3/27/03</u>	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____	AJ Date _____	WR _____ Date _____

WARRANTY DEED

For Value Received

GLEN E. BECKWITH AND E. LOUISE BECKWITH, HUSBAND AND WIFE

does hereby GRANT, BARGAIN, SELL AND CONVEY unto

DAVID C. KOEHN AND NORMA KOEHN, HUSBAND AND WIFE

whose current address is 5565 SUNSET ROAD
FRUITLAND, IDAHO 83619

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

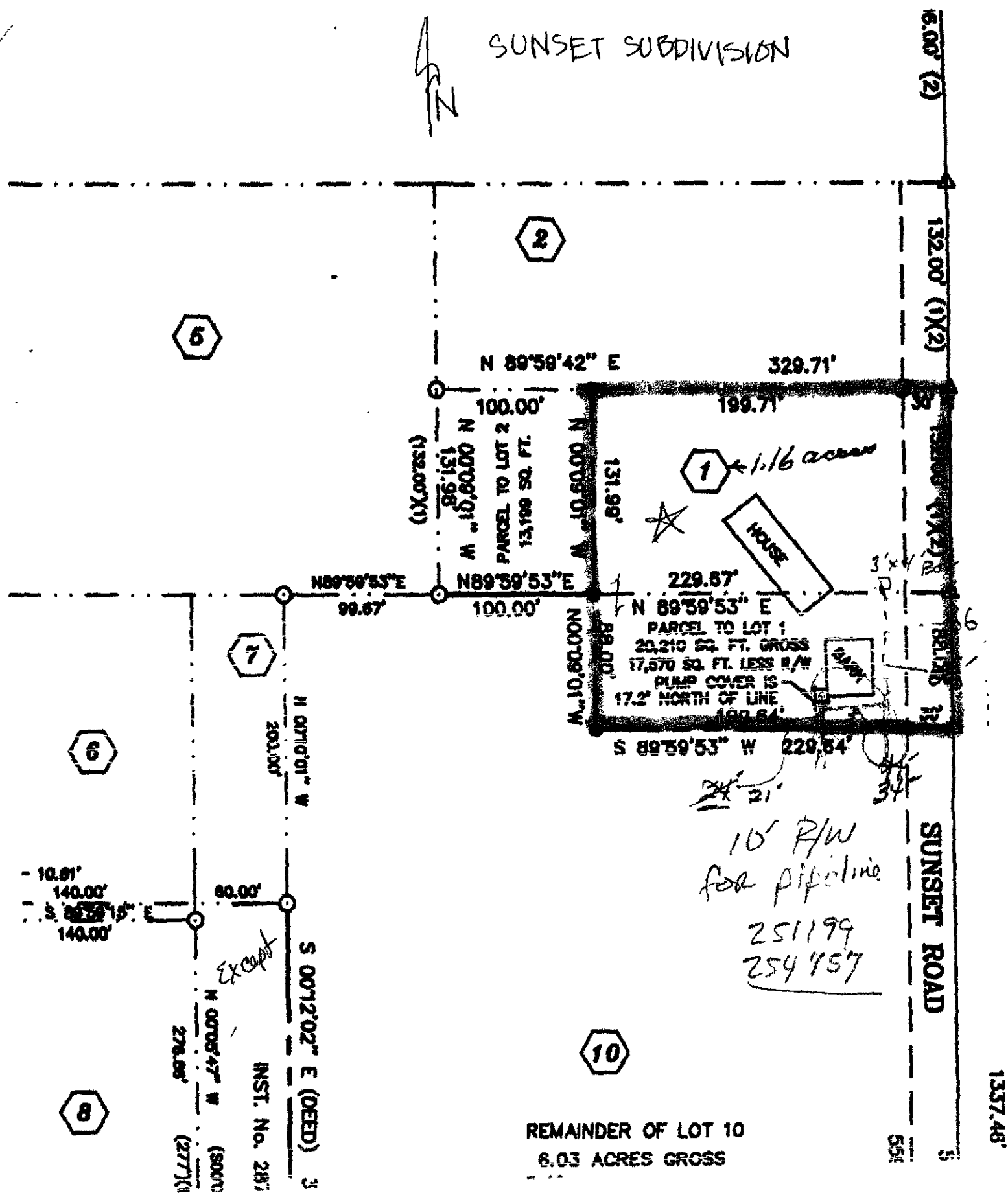
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said grantee(s), heirs and assigns forever. And the said grantor(s) do(es) hereby covenant to and with the said grantee(s) that he/she/they are/is the owner(s) in fee simple of said premises; that they are free from all encumbrances, excepting reservations, easements, encumbrances, restrictions and rights of way appearing of record and/or existing and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

Dated: JANUARY 10, 2003

Glen E. Beckwith
GLEN E. BECKWITH

E. Louise Beckwith
E. LOUISE BECKWITH

42





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

October 15, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DAVID C KOEHN
NORMA L KOEHN
5565 SUNSET RD
FRUITLAND ID 83619

RE: Change in Ownership for Water Right 65-18463

Dear Mr. & Mrs. Koehn:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

☒ **Filing Fee of \$25 per water right**

☒ **Legal Description of Property**

During our review of the documentation you submitted we found that the Warranty Deed you provided is sufficient to prove your ownership of the property in question. However, the legal description that the Warranty Deed refers to as being on "Exhibit A" was not attached. **We cannot process your notice of ownership change without the legal description that corresponds with the Warranty Deed.** I have enclosed a copy of the Warranty Deed for your reference.

Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a change in water right ownership. All ownership change notices received after June 30, 2000 must include the appropriate filing fees in order to be processed. We have determined that the filing fee for your notice will be **\$25**.

Because the Department cannot process the ownership change without proper documentation and fees, we will hold any action on your notice pending their receipt. If we do not receive the necessary information and fees within **30 days** we will return your notice and all attachments and your notice will not be processed.

Please note that water right owners are required to report any change in water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage (<http://www.idwr.state.id.us>) on the Internet to obtain the proper forms and instructions.

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

Sincerely,

E. Justin Aldridge
Technical Review

Enclosure