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

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FEB 20 2001

WATER RESOURCES
WESTERN REGION

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
	65-2248	NO			
Fee Required	65-4522	NO			

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Department of Water Resources

- 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)

AW Elson

4990 Cassia Rd

4. New Owner/Claimant(s)

Gerald or Sherry M Elson

Name Connector (Check one) ☐ and, ☐ or, ☐ and/or

New Mailing Address

4880 Cassia Rd

City, State and ZIP Code

New Plymouth 83655

New Telephone Number

208 278-3060

5. Date you acquired the property

Feb 3, 1993

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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 _____		
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)

Gerald Elson

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>SB</u>	Date <u>2/20/01</u>	Fee <u>25.00</u>
Received by <u>ri</u>	Date <u>"</u>	Receipt No <u>W027380</u>
Processed by _____	AJ Date _____	WR _____ Date _____

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WARRANTY DEED

FOR VALUE RECEIVED, A. W. ELSON and ELDORA PEARL ELSON, husband and wife, the grantors, hereby grant, bargain, sell and convey unto

GERALD L. ELSON and SHERRY M. ELSON, husband and wife

the grantee(s), whose current address is: 4880 CASSIA RD NEW PLYMOUTH ID 83653
the following described premises, being situate in Payette County, Idaho, to-wit:

All that portion of Government Lot 4 of Section 18, Twp. 7 N., R. 3 W., B.M., Payette County, Idaho, lying Northeasterly of the Noble Ditch Co. Canal right of way

AND

All that portion of Government Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 19, Twp. 7 N., R. 3 W., B.M., Payette County, Idaho, lying Northeasterly of the Noble Ditch Co. Canal right-of-way.

Including all water and ditch rights appurtenant thereto or used in connection therewith, and including any easements or rights of ways appurtenant to or used for the benefit of, or dedicated to said described premises. Subject to easements, rights of ways, reservations and exceptions, if any,

Said property is conveyed "as is" under existing boundary fences, if any, after reasonable inspection by the grantee, and grantor does not make any representations or warranties as to the qualifications or suitability of said land or premises for water or electrical power, or as to said land or improvements meeting any Federal, State, or local laws, rules or regulations pertaining to zoning, building, subdividing, platting, surveys, planning and use, health, ecology, drainage, irrigation, water quality, sewage or disposal systems, hazardous materials and toxic wastes. Grantor makes no warranties as to surveys, boundaries, or any matter mentioned in this paragraph. There are no warranties, express or implied, as to merchantability, in a general sense or for a particular purpose, except as herein contained in writing, if any.

TO HAVE AND TO HOLD, the said premises, with their appurtenances, unto the said Grantees, their heirs or 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, except as may be otherwise agreed, and they will warrant and defend the same from all lawful claims whatsoever.

DATED this 3rd day of ^{February} ~~January~~, 1993.

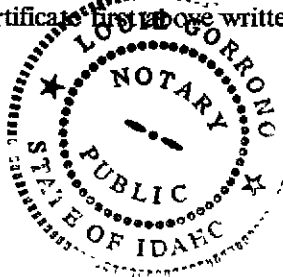
A W Elson

Eldora Pearl Elson

STATE OF IDAHO,)
) ss.
County of Gem.)

On this 3rd day of ^{February} ~~January~~, 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared A. W. ELSON and ELDORA PEARL ELSON, husband and wife, 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 in this certificate first above written.



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MAY 10 1994

Louise Gorrone
Notary Public for State of Idaho;
Residing at Emmett, Idaho.

242446

Warranty Deed

State of Idaho, County of Payette

I certify that this instrument was filed for record at the request of Gerald L. Elson
Feb. 5, 1993 2:48 PM, in Book 48 Deeds pg. 242446
Laura L. Stigila, Ex-Officio Recorder by Louise Gorrone Deputy fee \$300

CORRECTION WARRANTY DEED

FOR VALUE RECEIVED, A. W. ELSON and ELDORA PEARL ELSON, husband and wife, the grantors, hereby grant, bargain, sell and convey unto

GERALD L. ELSON and SHERRY M. ELSON, husband and wife

the grantee(s), whose current address is: 4880 Cassia Rd., New Plymouth, ID 83655
the following described premises, being situate in Payette County, Idaho, to-wit:

All that portion of Government Lot 4 of Section 18, Twp. 7 N., R. 3 W., B.M., Payette County, Idaho, lying Southwesterly of the Noble Ditch Co. Canal right of way, more particularly described as follows:

Beginning at the SW corner of Government Lot 4 of Sec. 18, Twp. 7 N., R. 3 W., B.M.; thence East along the South line of said Gov. Lot 4 a distance of 577.46 feet to the Southwesterly right-of-way of the Noble Ditch Co. Canal; thence Northwesterly along the said Noble Ditch Co. Canal right of way a distance of 860 feet, more or less, to a point on the West line of said Gov. Lot 4; thence South along the West line of said Gov. Lot 4 a distance of 565 feet, more or less, to the Point of Beginning.

AND

A parcel of land situated within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 19, Twp. 7 N., R. 3 W., B.M., more particularly described as follows: Beginning at the Northwest corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 19, Twp. 7 N., R. 3 W., B.M. thence S.89°49'00"E. 577.46 feet along the north line of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ to a point on the southwesterly right of way line of the Noble Ditch Co. Canal; thence S.39°22'58"E. 79.74 feet along the southwesterly right of way line of said Noble Ditch Co. Canal; thence N.88°02'34"W. 268.97 feet; thence S.85°33'15"W. 189.15 feet; thence N.67°59'54"W. 184.06 feet to the point of beginning.

Including all water and ditch rights appurtenant thereto or used in connection therewith, and including any easements or rights of ways appurtenant to or used for the benefit of, or dedicated to said described premises. Subject to easements, rights of ways, reservations and exceptions, if any,

Said property is conveyed "as is" under existing boundary fences, if any, after reasonable inspection by the grantee, and grantor does not make any representations or warranties as to the qualifications or suitability of said land or premises for water or electrical power, or as to said land or improvements meeting any Federal, State, or local laws, rules or regulations pertaining to zoning, building, subdividing, platting, surveys, planning and use, health, ecology, drainage, irrigation, water quality, sewage or disposal systems, hazardous materials and toxic wastes. Grantor makes no warranties as to surveys, boundaries, or any matter mentioned in this paragraph. There are no warranties, express or implied, as to merchantability, in a general sense or for a particular purpose, except as herein contained in writing, if any.

The intent and purpose of this deed is to correct a typographical error contained in the legal description of that Warranty Deed recorded February 18, 1993, as Instrument # 242442, records of Payette County, Idaho

TO HAVE AND TO HOLD, the said premises, with their appurtenances, unto the said Grantees, their heirs or 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, except as may be otherwise agreed, and they will warrant and defend the same from all lawful claims whatsoever.

DATED this 5th day of April, 1993.

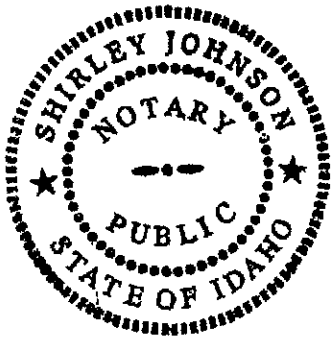
Eldora Pearl Elson

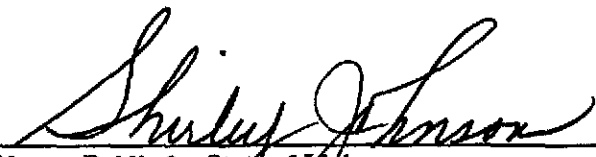
A. W. Elson
Alvin Elson

STATE OF IDAHO,)
) ss.
County of Payette.)

On this 5th day of April, 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared A. W. ELSON and ELDORA PEARL ELSON, husband and wife, 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 in this certificate first above written.





Notary Public for State of Idaho;
Residing at Payette, Idaho.

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TRACT I: 4.5 Acres

All that portion of Government Lot 4 of Section 18, Twp. 7 N., R. 3 W., B.M., Payette County, Idaho, lying Southwesterly of the Noble Ditch Co. Canal right of way, more particularly described as follows:

Beginning at the SW corner of Government Lot 4 of Sec. 18, Twp. 7 N., R. 3 W., B.M., thence East along the South line of said Gov. Lot 4 a distance of 577.46 feet to the Southwesterly right-of-way of the Noble Ditch Co. Canal; thence

Northwesterly along the said Noble Ditch Co. Canal right of way a distance of 860 feet, more or less, to a point on the West line of said Gov. Lot 4; thence

South along the West line of said Gov. Lot 4 a distance of 565 feet, more or less, to the Point of Beginning. AND

A parcel of land situated within the NW¼NW¼ of Sec. 19, Twp. 7 N., R. 3 W., B.M., more particularly described as follows: Beginning at the Northwest corner of the NW¼NW¼ of Section 19, Twp. 7 N., R. 3 W., B.M.; thence

S.89°49'00"E. 577.46 feet along the north line of said NW¼NW¼ to a point on the southwesterly right of way line of the Noble Ditch Co. Canal; thence

S.39°22'58"E. 79.74 feet along the southwesterly right of way line of said Noble Ditch Co. Canal; thence

N.88°02'34"W. 268.97 feet; thence

S.35°33'15"W. 189.15 feet; thence

N.67°59'54"W. 184.06 feet to the point of beginning

TRACT II: Farm Land:

All that portion of Government Lot 4 of Section 18, Twp. 7 N., R. 3 W., B.M., Payette County, Idaho, lying Northeasterly of the Noble Ditch Co. Canal right of way

AND

All that portion of Government Lot 1 (NW¼NW¼) of Section 19, Twp. 7 N., R. 3 W., B.M., Payette County, Idaho, lying Northeasterly of the Noble Ditch Co. Canal right-of-way.

TRACT III: Life Estate land:

A parcel of land situated within Government Lot 1 (NW¼NW¼) of Section 19, Twp. 7 N., R. 3 W., B.M., more particularly described as follows:

Beginning at the Northwest corner of Gov. Lot 1 of Section 19, Twp. 7 N., R. 3 W., B.M.; thence

South along the West line of said Gov. Lot 1 a distance of 700 feet, more or less, to the center of an existing drain ditch; thence

Northerly along the centerline of said drain ditch to the North line of said Gov. Lot 1, which point is 200 feet more or less, from the Northwest corner of said Gov. Lot 1; thence

West along the North line of said Gov. Lot 1 a distance of 200 feet, more or less, to the Point of Beginning.

EXCEPTING THEREFROM, the following described tract:

A parcel of land situated within the NW¼NW¼ of Sec. 19, Twp. 7 N., R. 3 W., B.M., more particularly described as follows: Beginning at the Northwest corner of the NW¼NW¼ of Section 19, Twp. 7 N., R. 3 W., B.M.; thence S.89°49'00"E. 577.46 feet along the north line of said NW¼NW¼ to a point on the southwesterly right of way line of the Noble Ditch Co. Canal; thence

S.39°22'58"E. 79.74 feet along the southwesterly right of way line of said Noble Ditch Co. Canal; thence

N.88°02'34"W. 268.97 feet; thence

S.35°33'15"W. 189.15 feet; thence

N.67°59'54"W. 184.06 feet to the point of beginning

Exhibit A

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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 65-04522

NAME AND ADDRESS: A W ELSON
PEARL ELSON
4990 CASSIA RD
NEW PLYMOUTH, ID 83655

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS
3.90 AFY

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

PRIORITY DATE: 04/01/1920

POINT OF DIVERSION: T07N R03W S19 LOT 01 (NWNW) 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 1.20 AFY
	Stockwater	01-01 TO 12-31	0.02 CFS 2.70 AFY

PLACE OF USE: Stockwater Within Payette County
T07N R03W S19 NWNW
Domestic Within Payette County
T07N R03W S19 LOT 01 (NWNW)

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

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MAY 09 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

April 26, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

GERALD L ELSON
SHERRY M ELSON
4880 CASSIA RD
NEW PLYMOUTH ID 83655

RE. Change of Ownership for Water Right 65-4522

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.

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,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

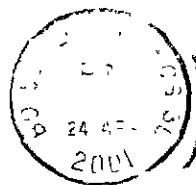
Enclosure

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GERALD ELSON
1805 HIGHWAY 16 RM 4
EMMETT ID 83617

Business address (?)



STATE OF IDAHO
Dept of water Resources
1301 North Orchard Street
Boise Id. 83607



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MAY 09 2001

83706/2237



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

April 17, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

GERALD ELSON
SHERRY M ELSON
4880 CASSIA RD
NEW PLYMOUTH ID 83655

RE Change in Ownership of Water Right 65-4522

Dear Mr. & Mrs. Elson

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:

✓ **Evidence of Water Right Ownership:** copy of Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question

The copies of the **promissory note** and the **agreement to sell real estate** do not indicate ownership of the property. These documents show intent only and therefore are being returned to you.

Because the Department cannot process the ownership change without proper documentation we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days we will return your notice 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 me at 208-327-7941.

Sincerely,

Kari Lynn Townsend
Secretary

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MAY 09 2001

KLT:k
Enclosures