

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

RECEIVED**APR 30 2002****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
65-02455	A65-02455	☐			☐
		☐			☐
		☐			☐
		☐			☐
		☐			☐

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)

David Grant

4. New Owner/Claimant(s)

M.C. Shelley Family Trust UTA dated 10/14/93

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

New Mailing Address

c/o Mike Derrick, Trustee

City, State and ZIP Code

95 SW 4th Ave., Ontario, OR

New Telephone Number

(541) 889-2999

5. Date you acquired the property

January 14, 1994

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)

Michael Derrick, Trustee

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

DAJ

Date

4.30.02

Fee

0

Receipted by

Date

Receipt No.

Processed by

AJ

Date

WR

Date

WARRANTY DEED

For Value Received **JAMES DAVID GRANT aka DAVID GRANT**, a single man
as his separate estate

the grantor do hereby grant, bargain, sell and convey unto **M.C. SHELLEY**, Trustee of the
M. C. SHELLEY FAMILY TRUST U/T/A dated October 14, 1993

the grantee, whose current address is **9576 Draper Road Payette, Idaho 83661**

the following described premises, in **Payette** County, Idaho, to-wit:

see attached Exhibit "A"

Together with all water, water rights, ditches and ditch rights
appurtenant thereto and in anywise belonging.

Subject to all valid outstanding reservations, easements, rights-
of-way, restrictions, dedications, mineral leases, mineral
reservations and mineral conveyances of record.

286073
2000
8.6.01

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee its
heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that he the
owner in fee simple of said premises; that they are free from all incumbrances excepting reservations,
easements, incumbrances, restrictions and rights or way appearing of
record and/or existing.

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: 1-14-94

James David Grant
James David Grant

STATE OF IDAHO

COUNTY OF **Payette** ss

On this **14th** day of **January**, in the
year 19 **94**, before me, a Notary Public, personally appeared

James David Grant
known or identified to me to be the person whose name is
subscribed to the within instrument, and acknowledged to me
that he executed the same.

[Signature]
Notary Public

Residing at **Payette**, Idaho.

Comm. exp. 3-27-97

STATE OF IDAHO, COUNTY OF **Payette**

I hereby certify that this instrument was filed for record at the
request of **FIRST AMERICAN TITLE CO.**

at **20** minutes past **4:00** o'clock **P.** M.,
this **19** day of **Jan.**
1994, in my office, and duly recorded in Book **48**
of Deeds at page **247552**

LAURA L. STIGILE

Ex-Officio Recorder

By [Signature]

Deputy.

Fees \$ **9.00**

Mail to:

INSTRUMENT No.

247552



First American Title



247552

EXHIBIT "A"

In Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho:

In Section 26: The SW $\frac{1}{4}$ SW $\frac{1}{4}$ EXCEPTING the South 652.87 feet of the West 717.3 feet thereof; ALSO EXCEPTING the North 653.83 feet of the West 738.28 feet;

ALSO EXCEPTING the following parcel of land:

A portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 9 North, Range 5 West of the Boise Meridian and is more particularly described as follows:

Commencing at the Southeast corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Thence South 89°28'30" West along the Southerly boundary of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 1273.18 feet to the TRUE POINT OF BEGINNING;
Thence continuing South 89°28'30" West a distance of 186.02 feet along said Southerly boundary and along the Southerly boundary of said SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Thence North 0°28'00" West parallel with the Easterly boundary of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 328.51 feet;
Thence North 89°28'30" East parallel with said Southerly boundary of said SW $\frac{1}{4}$ a distance of 186.02 feet;
Thence South 0°28'00" East parallel with said Easterly boundary of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 328.51 feet to the TRUE POINT OF BEGINNING.

ALSO, EXCEPT a tract of land situated in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ described as follows:

Commencing at the Southeast corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Thence South 89°28'30" West and coincident with the South line of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ 1273.18 feet to the Point of Beginning;
Thence North 00°24'08" West 328.51 feet;
Thence North 89°26'30" W. 25.00 feet;
Thence North 1°34'29" West 973.80 feet to a point on the North line thereof;
Thence South 89°40'13" West and coincident with said North line 8.19 feet to the Northwest corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Thence South 0°24'08" East and coincident with the West line thereof 1302.18 feet to a point on the South line of said SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Thence North 89°28'30" East and coincident with said South line 52.30 feet to the Point of Beginning.

Continued



247552

Exhibit "A" Continued

ALSO, EXCEPT a tract of land in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ described as follows:

Commencing at the Northwest corner of said SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Thence North 89°40'40" East along the North boundary of said SW $\frac{1}{4}$ SW $\frac{1}{4}$, a distance of 738.28 feet to the TRUE POINT OF BEGINNING;
Thence continuing North 89°40'40" East a distance of 147.6 feet;
Thence South 0°26'00" East (formerly South) along a line parallel with said West boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, a distance of 295.1 feet;
Thence South 89°40'40" West parallel with the said North boundary a distance of 147.6 feet;
Thence North 0°26'00" West along a line parallel with the said West boundary a distance of 295.1 feet to the TRUE POINT OF BEGINNING.

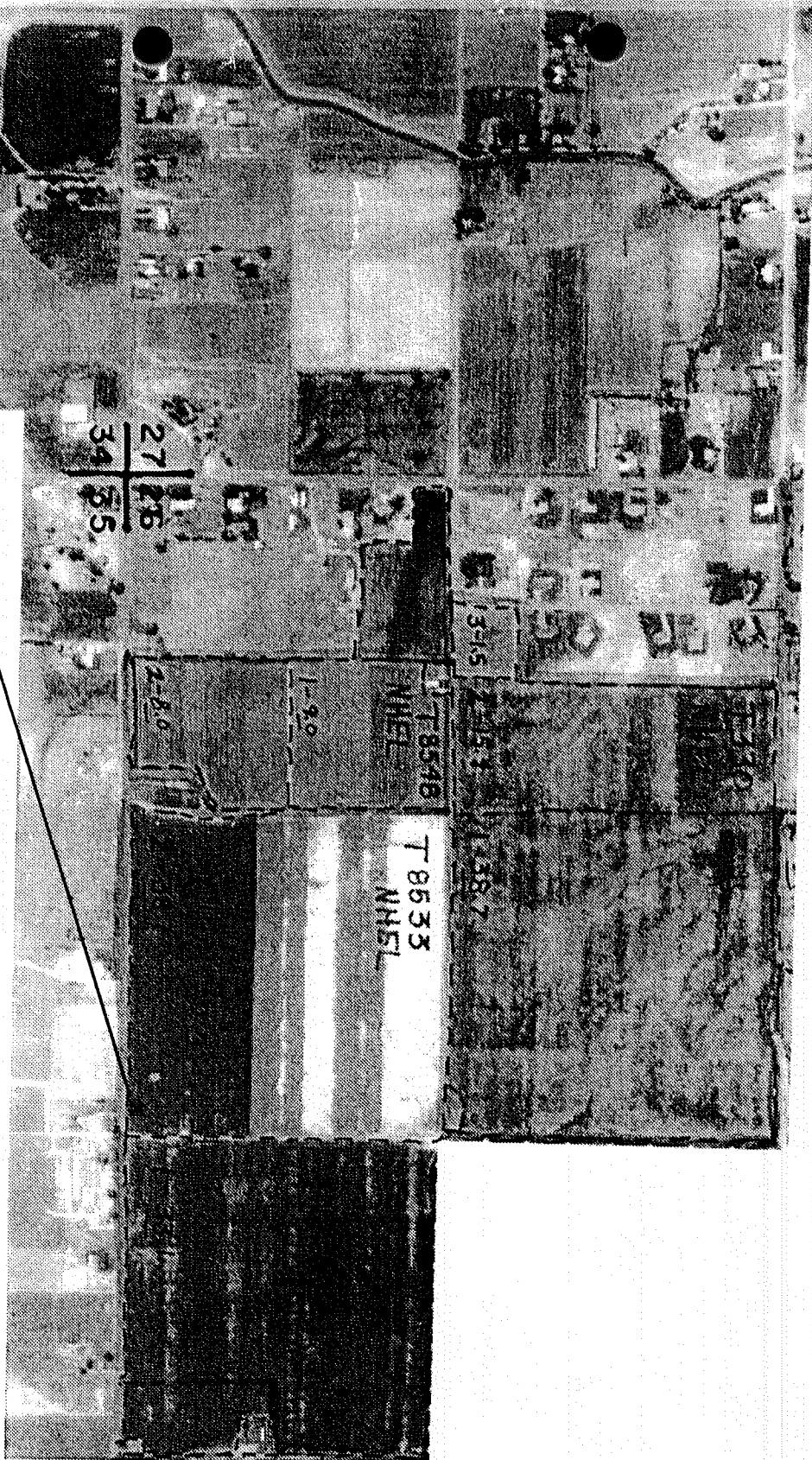
9N 5W 26
SE SW
SW SE

AND a parcel of land situated in SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho, more particularly described as follows:

Beginning at the South Quarter Corner of said Section;
Thence North 00°22'17" West and coincident with the East line of SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section, 25.00 feet, to the TRUE POINT OF BEGINNING;
Thence South 89°28'30" West, 1273.18 feet;
Thence North 00°24'08" West 303.51 feet;
Thence North 89°28'30" West 25.00 feet;
Thence North 01°34'29" West, 973.80 feet;
Thence North 89°40'13" East, and coincident with the North line of SE $\frac{1}{4}$ SW $\frac{1}{4}$ said Section, 1317.99 feet;
Thence South 89°55'39" East and coincident with the North line of SW $\frac{1}{4}$ SE $\frac{1}{4}$ said Section 1321.39 feet;
Thence South 00°15'53" East and coincident with the East line of SW $\frac{1}{4}$ SE $\frac{1}{4}$ said Section, 676.73 feet;
Thence North 89°45'00" West, 391.00 feet and parallel with the South line of said Section;
Thence South 00°15'53" East and parallel with the East line of SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section, 600.00 feet;
Thence North 89°45'00" West, 1027.94 feet to the TRUE POINT OF BEGINNING.
SAVE AND EXCEPT the West 50 feet of the SW $\frac{1}{4}$ SE $\frac{1}{4}$.

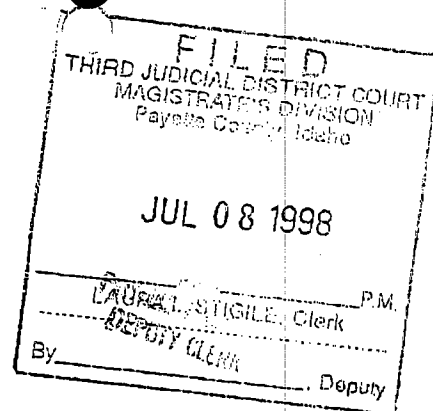
END

Well site (approx.) irrigation well for
±80 acres



1 William F. Nichols
2 STUNZ, FONDA, NICHOLS, KIYUNA,
3 HORTON & FLINDERS, LLP
4 106 Main Street
5 P. O. Box 1565
6 Nyssa, OR 97913
7 (541) 372-2268

8 Attorneys for Joe Nysingh



9 IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
10 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

11 IN RE THE GUARDIANSHIP and)
12 CONSERVATORSHIP OF M.C. SHELLEY,)
13 also known as MELVIN C. SHELLEY,)
14 also known as DOOLEY SHELLEY,)
15)
16 An Incapacitated Person.)
17 -----

Case No. SP-GM-97-00055*M

ORDER APPOINTING
CONSERVATOR

18 Upon the petition for appointment of a conservator for MELVIN
19 C. SHELLEY, and it appearing, by clear and convincing evidence, to
20 the court from the allegations of the petition, the reports
21 submitted, including any required visitor's report, and all other
22 evidence, records, and files herein that:

23 (1) Venue is properly in this court and no other court in
24 this, or any other, state has acquired jurisdiction in this
25 matter;

26 (2) All notices required by I.C. 15-5-405 have been given to
the persons entitled to notice;

(3) MELVIN C. SHELLEY is a person who is unable to manage
his property and affairs effectively for that reason that he has
been diagnosed with Alzheimer's dementia, and he has property
which will be wasted or dissipated unless proper management is

1 provided and that funds are needed for the support, care, and
2 welfare of MELVIN C. SHELLEY;

3 (4) R. Brad Masingill, as attorney for MELVIN C. SHELLEY, the
4 incapacitated person, is entitled to a reasonable attorney fee for
5 representing MELVIN C. SHELLEY in this
6 conservatorship/guardianship proceeding. Mr. Masingill will
7 submit his billing to the conservator within 10 days of the date
8 of this Order for review and provide copies to the guardian
9 through her counsel of record, and to the attorneys for Joe
10 Nysingh and Frank Shelley. The conservator and any other
11 interested party shall have 10 days after the date the billing is
12 mailed, in which to object to the billing in which case the matter
13 shall be set for hearing and the court will determine the fee to
14 be paid to Mr. Masingill;

15 (5) Nicholas T. Bokides, as attorney for the guardian, is
16 entitled to a reasonable attorney fee for representing the
17 guardian in this conservatorship/guardianship proceeding. Mr.
18 Bokides will submit his billing to the conservator within 10 days
19 of the date of this Order for his review and provide copies to R.
20 Brad Masingill, attorney for MELVIN C. SHELLEY, and to the
21 attorneys for Joe Nysingh and Frank Shelley. The conservator and
22 any other interested party shall have 10 days after the date the
23 billing is mailed, in which to object to the billing in which case
24 the matter shall be set for hearing and the court will determine
25 the fee to be paid to Mr. Bokides;

26 (6) William F. Nichols, as attorney for Petitioner Joe

1 Nysingh, a Trustee of the M. C. Shelley Family Trust, is entitled
2 to a reasonable attorney fee for representing the Trustee in this
3 conservatorship/guardianship proceeding. Mr. Nichols will submit
4 his billing to the conservator within 10 days of the date of this
5 Order for his review and provide copies to R. Brad Masingill,
6 attorney for MELVIN C. SHELLEY, the guardian through her counsel
7 of record, and to the attorney for Frank Shelley. The conservator
8 and any other interested party shall have 10 days after the date
9 the billing is mailed, in which to object to the billing in which
10 case the matter shall be set for hearing and the court will
11 determine the fee to be paid to Mr. Nichols;

12 (7) Aaron J. Bazzoli, as attorney for Frank Shelley, is
13 entitled to a reasonable attorney fee for representing Frank
14 Shelley in this conservatorship/guardianship proceeding. Mr.
15 Bazzoli will submit his billing to the conservator within 10 days
16 of the date of this Order for his review and provide copies to R.
17 Brad Masingill, attorney for MELVIN C. SHELLEY, the guardian
18 through her counsel of record, and to William F. Nichols, attorney
19 for Joe Nysingh. The conservator and any other interested party
20 shall have 10 days after the date the billing is mailed, in which
21 to object to the billing in which case the matter shall be set for
22 hearing and the court will determine the fee to be paid to
23 Mr. Bazzoli;

24 (8) Joe Nysingh, as Trustee of the M. C. Shelley Family
25 Trust, and as a Director of Vistair, Inc., is entitled to a
26 reasonable fee for his services rendered to the Trust and/or the

1 Vistair Corporation, and shall submit his billing to the
2 conservator within 10 days of the date of this Order for his
3 review and provide copies to R. Brad Masingill, attorney for
4 MELVIN C. SHELLEY, the guardian through her counsel of record, and
5 to the attorney for Frank Shelley. The conservator and any other
6 interested party shall have 10 days after the date the billing is
7 mailed, in which to object to the billing in which case the matter
8 shall be set for hearing and the court will determine the fee to
9 be paid to Mr. Nysingh;

10 (9) Ron Shelley, as Trustee of the M. C. Shelley Family
11 Trust, and as a Director of Vistair, Inc., is entitled to a
12 reasonable fee for his services rendered to the Trust and/or the
13 Vistair Corporation, and shall submit his billing to the
14 conservator within 10 days of the date of this Order for his
15 review and provide copies to R. Brad Masingill, attorney for
16 MELVIN C. SHELLEY, the guardian through her counsel of record, and
17 to the attorneys for Joe Nysingh and Frank Shelley. The
18 conservator and any other interested party shall have 10 days
19 after the date the billing is mailed, in which to object to the
20 billing in which case the matter shall be set for hearing and the
21 court will determine the fee to be paid to Mr. Ron Shelley;

22 (10) Frank Shelley, as Trustee of the M. C. Shelley Family
23 Trust, and as a Director of Vistair, Inc., is entitled to a
24 reasonable fee for his services rendered to the Trust and/or the
25 Vistair Corporation, and shall submit his billing to the
26 conservator within 10 days of the date of this Order for his

1 review and provide copies to R. Brad Masingill, attorney for
2 MELVIN C. SHELLEY, the guardian through her counsel of record, and
3 to the attorneys for Joe Nysingh. The conservator and any other
4 interested party shall have 10 days after the date the billing is
5 mailed, in which to object to the billing in which case the matter
6 shall be set for hearing and the court will determine the fee to
7 be paid to Mr. Frank Shelley;

8 (11) Betty Shelley, as guardian for MELVIN C. SHELLEY, the
9 incapacitated person, is entitled to a reasonable fee for her
10 services rendered in this Conservatorship/Guardianship proceeding.
11 Betty Shelley shall submit her billing to the conservator within
12 10 days of the date of this Order for his review and provide
13 copies to R. Brad Masingill, attorney for MELVIN C. SHELLEY, and
14 to the attorneys for Frank Shelley and Joe Nysingh. The
15 conservator and any other interested party shall have 10 days
16 after the date the billing is mailed, in which to object to the
17 billing in which case the matter shall be set for hearing and the
18 court will determine the fee to be paid to Betty Shelley;

19 (12) The conservator shall have all powers conferred by
20 Idaho Code 15-5-425 and 15-5-408(b);

21 (13) The visitor has filed a report recommending appointment
22 of a conservator; and

23 (14) Michael S. Derrick is a qualified and suitable person to
24 act as conservator and is willing to serve; and

25 (15) The M.C. Shelley Family Trust, dated October 14, 1993,
26 remains a valid Trust and has not been revoked.

1 THEREFORE, IT IS ORDERED THAT:

2 (a) Michael S. Derrick is appointed conservator for MELVIN
3 C. SHELLEY.

4 (b) Letters of conservatorship shall issue to Michael S.
5 Derrick on the filing of the conservator's acceptance of
6 appointment.

7 (c) Those persons entitled to compensation shall submit
8 their billings to the conservator as specified above.

9 (d) Upon the conservator's acceptance of appointment, and
10 issuance of the Letters of Conservatorship, the conservator shall
11 become the sole Trustee of the M.C. Shelley Family Trust, and
12 exercise all powers delegated to the Trustee therein; and, at that
13 time, Joe Nysingh, Frank Shelley, and Ron Shelley, shall be
14 removed as Co-Trustees of said Trust and their duties and
15 obligations as Co-Trustees shall thereupon cease.

16 (e) Not later than 90 days after the date hereof, the
17 conservator shall file his inventory of the conservatorship estate
18 assets.

19 (f) The conservator shall file with the Court, at least
20 annually on the anniversary date of this Order, an annual
21 accounting of the Ward's estate pursuant to I.C. 15-5-419. The
22 conservator shall provide copies of the accounting to the
23 following persons:

24 Brad Masingill, Weiser, Idaho, Attorney for the Ward;
25 Ron Shelley; Frank Shelley; Melita Poston; and Nicholas T.
26 Bokides, Weiser, Idaho, Attorney for Betty J. Shelley,

1 Guardian.

2 (g) The Conservator shall file a final report and accounting
3 with the Court, pursuant to I.C. 15-5-210 and 15-5-419, upon the
4 incapacitated person's death or the termination of the ward's
5 incapacity.

6 Done and dated at Payette, Idaho, this 8 day of July,
7 1998.

8 /s/ A. LYNNE KROGH
LAWYER MAGISTRATE

9 A. LYNNE KROGH, MAGISTRATE