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NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: 12-1-1998

RECEIVED
DEC 02 1998
Department of Water Resources
Southern Region

LEGAL DESCRIPTION OF PROPERTY: Township 10 S Range 23 East
Section 11, SW 1/4 of SE 1/4 of 1/4 Govt. Lot , BM.

Lot , Block, , Subdivision/Townsite .

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

- ☐ 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: 36-11658 Department of Water Resources
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Edith Handy & Ernest W. Handy 350 W 400 S
Heyburn, ID 83336
- ☐ New Owner/Claimant (Purchaser): Kip L. and Cheryl A. Osterhout, husband and wife
350 W 400 S
- ☐ New Mailing Address: Heyburn, ID 83336
- ☐ New Telephone Number: (208) 436-3978
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ 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: Copy of Recorded Warranty Deed 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): [Signature] Date 12-1-1998
[Signature] Date 12-1-1998
- ☐ Signature of Former Owner/Claimant(s): Estate of Ernest W. Handy Pers. Rep. Date 12-1-1998
Edith L. Handy by M. Duane Handy Date 12-1-1998

(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:

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

INSTRUCTIONS

RECEIVED
DEC 15 1998
IDWR to new owner
This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(2), 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.

438475

WARRANTY DEED

FOR VALUE RECEIVED, M. DUANE HANDY, Personal Representative of the Estate of Ernest W. Handy, Deceased, and EDITH S. HANDY, the Grantors, do hereby grant, bargain, sell and convey to KIP L. OSTERHOUT and CHERYL A. OSTERHOUT, husband and wife, whose present address is 350 West 400 South, Heyburn, ID 83336, the Grantees, the following described premises, located in Minidoka County, Idaho, to-wit:

The real property described on Exhibit "A" attached hereto and by this reference made a part hereof, together with all water and water rights appurtenant thereto, however evidenced.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees that Grantors are the owners in fee of said premises, that said premises are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 1st day of DECEMBER, 1998.

ESTATE OF ERNEST W. HANDY

By M. Duane Handy
M. Duane Handy
Personal Representative

Edith S. Handy by M. Duane Handy
Edith S. Handy by M. Duane
Handy, Attorney-in-Fact

POA

STATE OF IDAHO)
) ss.
County of Minidoka)

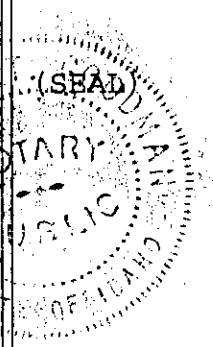
On this 1st day of December, 1998, before me the undersigned Notary Public in and for said State, personally appeared M. Duane Handy, Personal Representative of the Estate of

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1211 14 2000

Ernest W. Handy, Deceased and M. Duane Handy, Attorney-in-Fact for Edith S. Handy 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.

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

A circular notary seal for William P. Jordan, Notary Public, State of Idaho. The seal includes the text "(SEAL)", "NOTARY PUBLIC", and "STATE OF IDAHO".
William P. Jordan
Notary Public
Residing at Rupert, Idaho
My Commission Expires: 12/24/98

438475

RECORDED AT REQUEST OF
William Hedeman
FILM NO. _____

98 DEC 1 11 22
MINIDOKA COUNTY, IDAHO
DUANE SMITH, RECORDER
FEE 9.00 DEPUTY LA

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1991 14 2000

EXHIBIT "A"

PARCEL NO. 1:

TOWNSHIP 10 SOUTH, RANGE 23 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 11: That portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, more particularly described as follows:

Beginning at the South quarter corner of said Section 11;
Thence East a distance of 220 feet along the South boundary line of said S $\frac{1}{2}$ SE $\frac{1}{4}$;
Thence North a distance of 240 feet, more or less, to the center line of the D-15 Drain Ditch of the Minidoka Irrigation District;
Thence Westerly along the centerline of said D-15 Drain Ditch to a point on the West line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, said point being 224.97 feet North 00°18'09" West of the South quarter corner of said Section 11;
Thence South 00°18'09" East for a distance of 224.97 feet along the West line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ to the TRUE POINT OF BEGINNING.

PARCEL NO. 2:

TOWNSHIP 10 SOUTH, RANGE 23 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 11: That portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$, more particularly described as follows:

Beginning at the South quarter corner of said Section 11;
Thence South 89°45'20" West 743.76 feet;
Thence along the Southerly line of the D-15 Drain Ditch of the Minidoka Irrigation District the following courses and distances;
Thence North 72°41'13" East for a distance of 402.46 feet;
Thence North 75°56'54" East for a distance of 210.48 feet;
Thence North 80°07'54" East for a distance of 156.64 feet to a point on the East line of the SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Thence South 00°18'09" East along the SE $\frac{1}{4}$ SW $\frac{1}{4}$ for a distance of 194.55 feet to the TRUE POINT OF BEGINNING.

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JUL 14 2000

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 1996 NOV 22 AM 9:38
I.R.C.P. 54(b) FOR

Water Right 36-11658

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: ERNEST HANDY
EDITH HANDY
RT 2 BOX 2398
HEYBURN ID 83336

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

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

PRIORITY DATE: 03/01/1912

POINT OF DIVERSION: T10S R23E S11 SESW Within MINIDOKA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.02 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER Within MINIDOKA County
T10S R23E S11 SESW

DOMESTIC Within MINIDOKA County
T10S R23E S11 SESW

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.

DATED: NOV 22 1996



DANIEL C. HURLBUTT
PRESIDING JUDGE
Snake River Basin Adjudication

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MAY 22 1997
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PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-11658

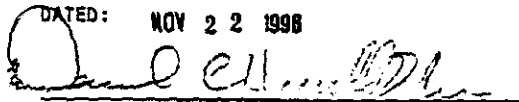
PAGE 1
OCT-29-1996

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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.

DATED: NOV 22 1996



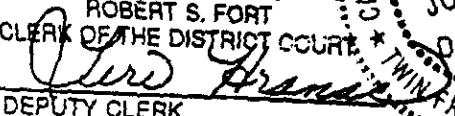
DANIEL C. HURLBUTT
PRESIDING JUDGE
Snake River Basin Adjudication

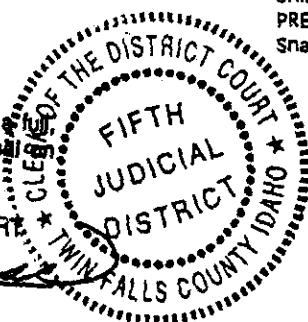
State of Idaho
County of Twin Falls ss.

I hereby certify the foregoing to be a true and correct copy of the original on file in the above entitled action.

ROBERT S. FORT

CLERK OF THE DISTRICT COURT

By 
DEPUTY CLERK



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MAY 22 1997

MICROFILMED

JUL 14 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 5, 2000

KIP L OSTERHOUT
CHERYL A OSTERHOUT
350 W 400 S
HEYBURN ID 83336

RE: Change of Ownership for Decreed Water Right 36-11658

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced decreed 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 the department if you have questions.

Sincerely,

Jeff Peppersack
for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

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JUL 14 2000

WILLIAM T. GOODMAN
ALAN GOODMAN
RICK BOLLAR

LAW OFFICE
Goodman and Bollar
CHARTERED
717 7TH STREET
BOX D
RUPERT, IDAHO 83350 - 0020

AREA CODE 208
TELEPHONE NO.
436-4774
FAX
(208) 436-4837

December 1, 1998

RECEIVED

DEC 02 1998

Department of Water Resources
Southern Region

Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301

Re: Ernest W. Handy, IDWR No. 36-11658

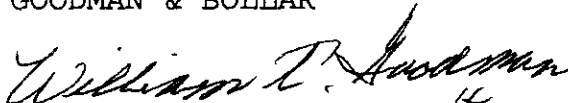
Gentlemen:

Enclosed is the New Property Owner, Notice of Change of Water Right Ownership with attached photocopy of the Warranty Deed transferring the real property to the new owners.

Please note this change in your records.

Very truly yours,

GOODMAN & BOLLAR



William T. Goodman

WTG:KH
Encl.

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4 2000