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Documents
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DELEG VC 7/31/00

OK JC

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

RECEIVED

SEP - 5 2000

RECEIVED

JUL 31 2000

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Department of Water Resources 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. Department of Water Resources Eastern Region
 adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, 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
74-00978	74-00978	N			
74-07018	74-07018	N			

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) are 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)

LA VERNE AND/OR NELL KIRKHAM

RT. 1, ASHTON ID 83420

4. New Owner/Claimant(s)

BEVERLY KIRKHAM MAIUE

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

New Mailing Address

5529 COTTAGEWOOD CLUB DRIVE

City, State and ZIP Code

SALT LAKE CITY, UT 84117

New Telephone Number

(801) 277-5279

5. Date you acquired the property

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SEP 25 2001

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) Beverly Hickman Lewis
(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>gc</u>	Date <u>7/31/00</u>	Fee <u>50.00</u>	
Received by <u>gc</u>	Date <u>7/31/00</u>	Receipt No. <u>E026028</u>	
Processed by _____	AJ Date _____	WR _____	Date _____

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SEP 25 2001

State of Idaho)
County of Lemhi) SS No. 2003-24
This instrument was filed for record at the request
of Jay R. McKenzie
at 4:00 clock Pm 2 4 1998
and duly filed and indexed in the records of Lemhi
County Tern J. Morton
Ex-Officio Recorder

By Brenda L. Smith Deputy
Fee 3.00
Return to Jay R. McKenzie

Attorney at Law
102 North State Street - Suite 1
Preston, Idaho 83263
Telephone: (208) 852-3500

STATE OF IDAHO
COUNTY OF JEFFERSON)
I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING
IS A FULL TRUE AND CORRECT COPY OF THE
ORIGINAL THEREOF (ON FILE) (ON RECORD) IN MY
OFFICE.
DATED 4-28-98
CONNIE M. KELLER
MAGISTRATE COURT
EX-OFFICIO AUDITOR AND RECORDER
BY J. R. McKenzie
DEPUTY

FILE
4:45pm
J. R. McKenzie

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON
MAGISTRATE'S DIVISION

IN THE MATTER OF THE ESTATE OF) Probate Case No. 2002-80
)
)
NOAH LAVERNE KIRKHAM)
)
)
Deceased.)
)
)

1. DWAIN D. KIRKHAM, was duly appointed and qualified as
general Personal Representative of the estate of the above-named
Decedent on the 24 day of March, 1998, by the
Magistrate Acting as Registrar with all authority pertaining
thereto.

2. Administration of the estate is unsupervised.

These letters are issued to evidence the appointment,
qualification, and authority of the said personal representative.

WITNESS, my signature and the Seal of this Court the 24 day
of March, 1998.

[Signature]
MAGISTRATE

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, made by DWAIN D. KIRKHAM, as Personal Representative of the Estate of NOAH LAVERNE KIRKHAM, Deceased, Grantor; to DWAIN D. KIRKHAM, Trustee of the Beverly K. Heinz Trust, a testamentary trust created upon the death of Noah LaVerne Kirkham, pursuant to the Last Will and Testament of Noah LaVerne Kirkham, dated January 12, 1983, the First Codicil to Last Will and Testament of Noah LaVerne Kirkham, dated January 24, 1992, and the Second Codicil to Last Will and Testament of Noah LaVerne Kirkham dated December 11, 1993, Grantee, whose address is 5529 Cottonwood Club Drive, Salt Lake City, Utah 84117.

WHEREAS, Grantor is the qualified Personal Representative of the Estate filed as Probate Case No. SP-98-80, Jefferson County, Idaho.

THEREFORE for valuable consideration received, Grantor sells and conveys to Grantee the following described real property:

Decedent's one-half community property share of a one-half undivided interest (to-wit: a one-fourth undivided interest) in and to:

Township 17 North, Range 23 East of the Boise Meridian, Lemhi County, Idaho
Section 4: Lots 1 and 2; S1/2NE1/4

TOGETHER WITH all water and water rights, and all U.S. Forest Service and BLM Range Rights appurtenant thereto,

together with their appurtenances.

SUBJECT TO THE FOLLOWING FIRST RIGHT OF REFUSAL:

(a) All references herein to "children" or "child", refer to Beverly K. Heinz of 5529 Cottonwood Club Drive, Salt Lake City, Utah 84117, Darrell L. Kirkham of P.O. Box 393, Ashton, Idaho 83420, and Dwain D. Kirkham of 1842 East 1500 North, Terreton, Idaho 83450.

(b) Any sale of any of the above-described property by Grantee shall be subject to a right of first refusal option upon the terms hereof, in favor of the other children, in equal shares, or the respective issue of any deceased child by right of representation.

(c) Any of the above-described property subsequently sold shall also be subject to a right of first refusal option upon the terms hereof, in favor of the other children, in equal shares, or the respective issue of any deceased child by right of representation.

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(d) All right of first refusal options described herein, shall expire and be of no further force and effect fifteen (15) years from the date hereof.

(e) The right of first refusal options shall arise whenever any of the above-described real property is offered for sale during the period of fifteen (15) years following the date hereof.

(f) Whenever the selling party determines to offer the property and has received an offer which he or she desires to accept, he or she shall then notify the parties entitled to exercise the option in writing of the terms of the offer and offer to sell the property to them upon the same terms and conditions for a period of thirty (30) days following the delivery of the written notice. If the parties entitled to exercise the option do not exercise it within the thirty (30) day period, then any parties with successive rights shall have ten (10) days within which to exercise the option. If no party exercises the option within the time period limited, the selling party may proceed to sell the property upon the terms of the offer or terms more favorable to the selling party. If the property is not sold upon such terms or more favorable terms within ninety (90) days of the date notice is given of the first refusal option, then the property may not subsequently be sold without again extending the right of first refusal option to my children as herein provided.

(g) The right of first refusal shall be personal to my children and their issue as herein provided and may not be assigned or conveyed by them to any other party.

(h) If the right of first refusal option is extended to more than one child or their issue by right of representation, the co-optionees shall have the right to purchase equal undivided interests in the property. If one co-optionee fails to exercise his or her option, the other co-optionee may exercise his or her option right as to the entire amount of the property, but may not exercise his or her option right as to less than the entire amount of the property, it being my intent that the optionees individually or as a group be obligated to purchase all of the property offered and that they not be entitled to exercise their options in such a manner as to only purchase a portion of the property offered.

(i) All deeds transferring any of the above-described property shall contain the foregoing provisions, except deeds which are dated fifteen years following the date hereof shall not require any reference to foregoing first right of refusal option.

SUBJECT TO THE FOLLOWING RESTRICTION: The trustee may not sell any of the above-described real property without the prior written approval of Beverly K. Heinz, if living. If Beverly K. Heinz is not living, then this restriction shall expire and be of no further force or effect.

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SEP 23 2001

The successor trustees of the trust are the following, successively in the order named: Such person as may be designated by Dwain D. Kirkham; in the event Dwain D. Kirkham fails to serve as trustee and fails to appoint a successor trustee, such independent person as may be designated by Beverly K. Heinz; such person as may be named by a court of competent jurisdiction. The transfer of trusteeship may be evidenced by a notice of designation of trustee, or a resignation or death certificate of the existing trustee, or deed, filed of record.

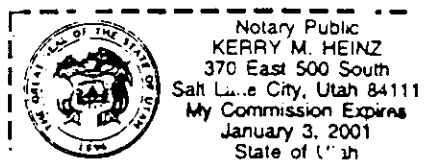
EXECUTED this 21 day of Dec, 1998.

Dwain D. Kirkham
DWAIN D. KIRKHAM
Personal Representative of the
Estate of Noah LaVerne Kirkham,
Deceased

STATE OF Utah)
) ss.
COUNTY OF Salt Lake)

On this 21 day of December, 1998, before me, a Notary Public in and for said State, personally appeared Dwain D. Kirkham, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he is the duly authorized and appointed Personal Representative of the Estate, and that he executed this document in said capacity for and in behalf of said Estate.

Kerry M. Heinz
NOTARY PUBLIC
Residing at: Salt Lake City, Utah
My Commission Expires: 1/3/2001



State of Idaho)
County of Lemhi) SS No. 239622

This instrument was filed for record at the request
of Jay R. McKeen
at 4:50 o'clock P.m. 2-4 1999

and duly filed and indexed in the records of Lemhi
County

Terri J. Matton
Ex-Officio Recorder

By Sandra Huntington Deputy

Fee 9.00

Return to Jay R. McKeen

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SEP 23 1999

QUITCLAIM DEED

FOR VALUE RECEIVED

DWAIN D. KIRKHAM, Successor Trustee of the Nellie Murri Kirkham Family Testamentary Trust created upon the death of Nellie Murri Kirkham pursuant to the Last Will and Testament of Nellie Murri Kirkham dated January 12, 1983,

does hereby convey, release, remise and forever quit claim unto

DWAIN D. KIRKHAM, Trustee of the Beverly K. Heinz Trust, a testamentary trust created upon the death of Noah LaVerne Kirkham, pursuant to the Last Will and Testament of Noah LaVerne Kirkham, dated January 12, 1983, the First Codicil to Last Will and Testament of Noah LaVerne Kirkham, dated January 24, 1992, and the Second Codicil to Last Will and Testament of Noah LaVerne Kirkham dated December 11, 1993, Grantee, whose address is 5529 Cottonwood Club Drive, Salt Lake City, Utah 84117.

the following described premises:

A one-half community property share of a one-half undivided interest (to wit: a one-fourth undivided interest) in and to:

Township 17 North, Range 23 East of the Boise Meridian, Lemhi County, Idaho
Section 4: Lots 1 and 2; S1/2NE1/4

TOGETHER WITH all water and water rights, and all U.S. Forest Service and BLM Range Rights appurtenant thereto,

together with their appurtenances.

SUBJECT TO THE FOLLOWING FIRST RIGHT OF REFUSAL:

(a) All references herein to "children" or "child", refer to Beverly K. Heinz of 5529 Cottonwood Club Drive, Salt Lake City, Utah 84117, Darrell L. Kirkham of P.O. Box 393, Ashton, Idaho 83420, and Dwain D. Kirkham of 1842 East 1500 North, Terreton, Idaho 83450.

(b) Any sale of any of the above-described property by Grantee shall be subject to a right of first refusal option upon the terms hereof, in favor of the other children, in equal shares, or the respective issue of any deceased child by right of representation.

(c) Any of the above-described property subsequently sold shall also be subject to a right of first refusal option upon the terms hereof, in favor of the other

children, in equal shares, or the respective issue of any deceased child by right of representation.

(d) All right of first refusal options described herein, shall expire and be of no further force and effect fifteen (15) years from the date hereof.

(e) The right of first refusal options shall arise whenever any of the above-described real property is offered for sale during the period of fifteen (15) years following the date hereof.

(f) Whenever the selling party determines to offer the property and has received an offer which he or she desires to accept, he or she shall then notify the parties entitled to exercise the option in writing of the terms of the offer and offer to sell the property to them upon the same terms and conditions for a period of thirty (30) days following the delivery of the written notice. If the parties entitled to exercise the option do not exercise it within the thirty (30) day period, then any parties with successive rights shall have ten (10) days within which to exercise the option. If no party exercises the option within the time period limited, the selling party may proceed to sell the property upon the terms of the offer or terms more favorable to the selling party. If the property is not sold upon such terms or more favorable terms within ninety (90) days of the date notice is given of the first refusal option, then the property may not subsequently be sold without again extending the right of first refusal option to my children as herein provided.

(g) The right of first refusal shall be personal to my children and their issue as herein provided and may not be assigned or conveyed by them to any other party.

(h) If the right of first refusal option is extended to more than one child or their issue by right of representation, the co-optionees shall have the right to purchase equal undivided interests in the property. If one co-optionee fails to exercise his or her option, the other co-optionee may exercise his or her option right as to the entire amount of the property, but may not exercise his or her option right as to less than the entire amount of the property, it being my intent that the optionees individually or as a group be obligated to purchase all of the property offered and that they not be entitled to exercise their options in such a manner as to only purchase a portion of the property offered.

(i) All deeds transferring any of the above-described property shall contain the foregoing provisions, except deeds which are dated fifteen years following the date hereof shall not require any reference to foregoing first right of refusal option.

SUBJECT TO THE FOLLOWING RESTRICTION: The trustee may not sell any of the above-described real property without the prior written approval of Beverly K. Heinz, if living. If Beverly K. Heinz is not living, then this restriction shall expire and be of no further force or effect.

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The successor trustee of the trust are the following, successively in the order named: Such person as may be designated by Dwain D. Kirkham; in the event Dwain D. Kirkham fails to serve as trustee and fails to appoint a successor trustee, such independent person as may be designated by Beverly K. Heinz; such person as may be named by a court of competent jurisdiction. The transfer of trusteeship may be evidenced by a notice of designation of trustee, or a resignation or death certificate of the existing trustee, or deed, filed of record.

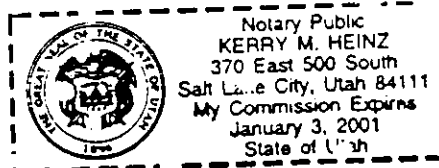
DATED this 21 day of Dec, 1998.

Dwain D. Kirkham
DWAIN D. KIRKHAM
Successor Trustee of the
Nellie Murri Kirkham Family
Testamentary Trust

STATE OF Utah)
) ss.
COUNTY OF Salt Lake)

On this 21 day of December, 1998, before me, a Notary Public in and for said State, personally appeared Dwain D. Kirkham, known to me to be the person whose name is subscribed to the within instrument, as the Successor Trustee of the Nellie Murri Kirkham Family Testamentary Trust, and acknowledged to me that he executed the same as such Successor Trustee.

Kerry M. Heinz
NOTARY PUBLIC
Residing at: Salt Lake City, Utah
My Commission Expires: 1/31/2001



State of Idaho)
County of Lemhi) SS No. 239623
This Instrument was filed for record at the request of Jay R. M. Kenzie
at 1:23 o'clock p on 2-4 1999
and duly filed and indexed in the records of Lemhi County
Tern J. Morton
Ex-Officio Recorder
By Brenda Amstutz Deputy
Fee 9.00
Return to Jay R. M. Kenzie

MICROFILMED

QUITCLAIM DEED - FEB 2 7 2001

NOTICE OF SUCCESSOR TRUSTEE

COMES NOW, DWAIN D. KIRKHAM, Trustee of the Beverly K. Heinz Trust, a testamentary trust created upon the death of Noah LaVerne Kirkham, pursuant to the Last Will and Testament of Noah LaVerne Kirkham, dated January 12, 1983, the First Codicil to Last Will and Testament of Noah LaVerne Kirkham, dated January 24, 1992, and the Second Codicil to Last Will and Testament of Noah LaVerne Kirkham, dated December 11, 1993, and does hereby declare and give notice that the new successor trustee of the Beverly K. Heinz Trust now is: Beverly K. Heinz of 5529 Cottonwood Club Drive, Salt Lake City, Utah.

The subsequent successor trustees are the following, successively in the order named: Such independent person as may be designated by Beverly K. Heinz; such person as may be named by a court of competent jurisdiction.

The transfer of trusteeship may be evidenced by notice of designation of trustee, or resignation or death certificate of the existing trustee, or deed, filed of record.

DATED this 21 day of Dec, 1998.

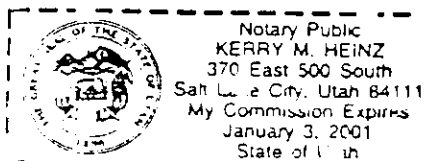
Dwain D. Kirkham
Dwain D. Kirkham, Trustee of the
Beverly K. Heinz Trust

STATE OF Utah)
) ss.
COUNTY OF Salt Lake)

On this 21 day of December, 1998, before me, a Notary Public, personally appeared Dwain D. Kirkham, known or identified to me to be the person whose name is subscribed to the within instrument as the trustee of the Beverly K. Heinz Trust, and acknowledged to me that he executed the same as such trustee.

Kerry M. Heinz
NOTARY PUBLIC

Residing at: Salt Lake City, Utah
My Commission Expires: 1/3/2001



MICROFILM

689 23 7001

State of Idaho) SS No. 239624
County of Lemhi)

This instrument was filed for record at the request
of Jay R. McKenney
at 4:30 o'clock P.m. 2-4 1999

and duly filmed and indexed in the records of Lemhi
County Terri J. Morton
Ex-Officio Recorder

By Brenda Ambrose Deputy
Fee 3.00

Rehim to Jay R. McKenney

SRBA

PARTIAL DECREE 74-07018 *K*

Issued on 08-25-2000.

This is not an official copy.

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS:	LA VERNE KIRKHAM NELL KIRKHAM RT 1 ASHTON, ID 83420		
SOURCE:	SPRINGS	TRIBUTARY: BEAR CREEK	
QUANTITY:	0.03 CFS 3.90 AFY		
THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13 GALLONS PER DAY.			
PRIORITY DATE:	01/24/1972		
POINT OF DIVERSION:	T17N R23E S04	SENW	Within Lemhi County
PURPOSE AND PERIOD OF USE:			
	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS 2.70 AFY
	Domestic 1 HOME	01-01 TO 12-31	0.02 CFS 1.20 AFY
PLACE OF USE:	Stockwater		Within Lemhi Cou
	T17N R23E S04	NWNE	
	Domestic		Within Lemhi Cou
	T17N R23E S04	NWNE	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT DETERMINATION OF HISTORICAL BENEFICIAL USE.
 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIE ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

Return to SRBA Home Page

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SEP 15 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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 16, 2001

BEVERLY KIRKHAM HEINZ
5529 COTTONWOOD CLUB DR
SALT LAKE CITY UT 84117

RE: Change of Ownership for Water Rights 74-978 and 74-7018

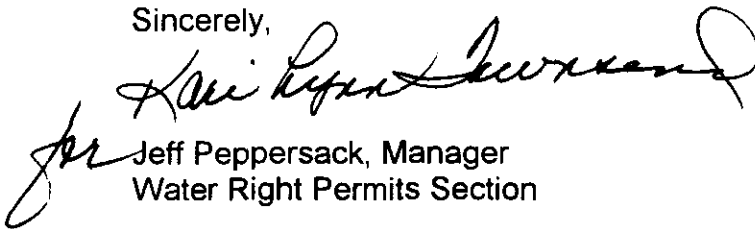
Dear Water Right Holder(s):

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

Enclosures

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SEP 25 2001

SD-2503-1

Idaho Department Of Water Resources
Receipt Maintenance II - Maint. Screen 1Date: 09/06/00
Time: 10:46:41

Receipt Number : E026028 Receipt Amt : 630.00

Receipt Type : CK Check Number: 96
Date & Time : 07/31/2000 08:48:51 Julian Date :
From Payer : HEINE, KERRY
User ID : CSAXTON
Adjust Flag : A Rec. Group : F
Trans Number : Trans Yr-Mo :
AR Number :
Receipt Remarks: BEVERLY HEINE
Update Remarks :
Amount Refunded: 50.00 Refund Date : 09/11/2000
Refund Reason :
Refund Name : KERRY HEINE Refund CK No: 480

Receipted Fees : Water Right Numbers:

(Enter=Continue) (GOLD2=Update)

MICROFILMED
SEP 25 2001