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Department of Water Resources
Eastern Region

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): A22-13105
Adjudication Claim No(s): AT0749NP

2. The following **REQUIRED** information must be submitted with this form:

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim 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

BRIAN K AND JILL W. Ayers

2408 E. 500 N. ST. ANTHONY Id.

4. New Owner/Claimant(s)

LARRY J. AND/OR HOLLY R. EVERTON

New Mailing Address

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

2592 W. 5200 So.

City, State and ZIP Code

Rexburg, Id. 83440

New Telephone Number

208 356-0939

5. Date you acquired the property

05-21-98

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) or Claimant(s)

Larry J. Everton
Holly R. Everton

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Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

ATTN: Cheri Vandermeulen

I gave your office this same information over a year ago.

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at **Item 1**. If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at **Item 3**.
4. The name, mailing address, and telephone number of the new owner(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at **Item 6**.

Please provide as much detail as possible concerning your portion of the water right: include the number of homes you acquired, number of acres irrigated with your portion of the right, if it is more than 1/2 acre, type and number of stock if your portion of the right includes stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 769-1450

WARRANTY DEED

For Value Received **BRIAN K. AYERS and JILL W. AYERS, husband and wife**

Hereinafter called the Grantor, hereby grants, bargains, sells & conveys to

LARRY J. EVERTON and HOLLY R. EVERTON, husband and wife

whose address is: **2592 WEST 5200 SOUTH, REXBURG, ID 83440**

Hereinafter called the Grantee, the following described premises situated in **MADISON** County, Idaho, to-wit:

Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho.

Section 23: Beginning at a point that is South 89°41'37" East 169.36 feet from the Southeast corner of the NW1/4NE1/4 of Section 23; and running thence North 00°21'38" East 291 feet; thence North 89°41'37" West 150 feet; thence South 00°21'38" West 291 feet; thence South 89°41'37" East 150 feet to the point of beginning.

ALSO: Beginning at a point that is South 89°41'31" East 15.36 feet along the one sixteenth line from the Southeast corner of the NW1/4NE1/4 of Section 23, Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho, and running thence South 89°41'31" East 4.00 feet; thence North 00°21'58" East 72.75 feet; thence South 3°30'27" West 72.86 feet to the point of beginning.

ALSO: Beginning at a point that is South 89°41'31" East 169.36 feet along the one sixteenth line and North 00°21'38" East 209.00 feet from the Southeast corner of the NW1/4NE1/4 of Section 23, Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho, to the TRUE POINT OF BEGINNING; thence North 0°21'38" East 82.00 feet; and running thence south 89°41'31" East 12.00 feet; thence South 3°30'27" West 82.13 feet; thence North 89°41'37" West 7.49 feet, more or less, to the point of beginning.

ALSO: Beginning at a point that is South 89°41'37" East 169.36 feet from the Southeast corner of the NW1/4NE1/4 of Section 23, Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho, and running thence North 00°21'38" East 72.75 feet to the TRUE POINT OF BEGINNING; and thence North 00°21'38" East 136.25 feet; thence South 89°41'37" East 7.49 feet; thence South 03°30'27" West 136.49 feet to the point of beginning.

LESS: Beginning at a point that is South 89°41'31" East 19.36 feet along the one sixteenth line and North 00°21'38" East 72.75 feet from the Southeast corner of the NW1/4NE1/4 of Section 23, Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho, to the TRUE POINT OF BEGINNING; and running thence North 00°21'38" East 219.25 feet, more or less; thence South 89°41'31" East 12.00 feet; thence South 3°30'27" West 218.59 feet to the point of beginning.

ALSO LESS: Beginning at a point that is South 89°41'31" East 169.36 feet along the one sixteenth line from the Southeast corner of the NW1/4NE1/4 of Section 23, Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho, and running thence North 00°21'38" East 72.75 feet; and running thence South 3°30'27" West 72.86 feet; thence South 89°41'31" East 4.00 feet to the point of beginning.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

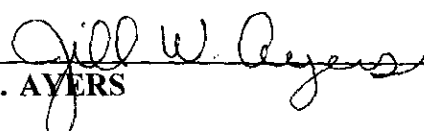
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: May 21, 1998

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BRIAN K. AYERS


JILL W. AYERS

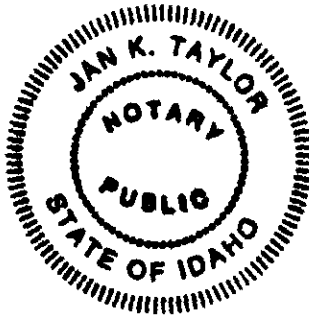
STATE OF IDAHO)

: ss

COUNTY OF MADISON)

On This 21st day of May, in the year 1998, before me, a Notary Public in and for said State, personally appeared **BRIAN K. AYERS and JILL W. AYERS**, known or identified to me to be the person(s) whose name(s) are subscribed to the within Instrument, and acknowledged to me that they executed the same.

Jan K. Taylor
Notary Public of Idaho
Residing at Rexburg, Idaho
Commission Expires 1/31/2003



Microfilm No. 272360
Day MAY 22 1998
At 1610 O'clock m
MARILYN R. RASMUSSEN
MADISON COUNTY RECORDER
Fee \$ 6.00 Recorded At Request of Deputy
First American Title Company

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MAY 12 2003

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 22-13105

NAME AND ADDRESS: BRIAN AYERS
JILL AYERS
2592 W 5200 S
REXBURG, ID 83440

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 01/01/1985

POINT OF DIVERSION: T05N R39E S23 NWNE Within Madison 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 T05N R39E S23 NWNE Within Madison County

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.

B. Wood

Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

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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

May 17, 2000

LARRY J EVERTON
HOLLY R EVERTON
2592 W 5200 S
REXBURG ID 83440

RE: Change of Ownership for Water Right 22-13105

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 the department if you have questions.

Sincerely,

Jeff Peppersack
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

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State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 9, 2000

LARRY & HOLLY EVERTON
2592 W 5200 S
REXBURG ID 83440

RE: CHANGE OF WATER RIGHT OWNERSHIP FOR 22-13105 (Ayers –
Everton)

Dear Mr. & Mrs. Everton:

On April 10, 2000, our office received the above-referenced request. I forwarded this request to our state headquarters in Boise for processing. If you would like to follow-up on the status of this change, please contact the Allocations Bureau at (208) 327-7900.

Sincerely,

Jennifer Crabtree
Technical Records Specialist

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