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STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

AUG 14 1998

Department of Water Resources
Southern Region

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

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SEP 15 1998

DEPARTMENT OF WATER RESOURCES

1. Water Right No(s).: _____
Adjudication Claim No(s).: ~~45-11886~~, 45-11886
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 for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
- X 3. Name and Address of Former Owner/Claimant DONALD B. Merrill AND JOANN Merrill
- X 4. New Owner/Claimant(s) DAN F. Poppleton AND DEANNA J. Poppleton
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
New Mailing Address 2221 Hillcrest Road
City, State and ZIP Code Burley Id. 83318
New Telephone Number (208) 678-1476
5. Date you acquired the property 6-28-95
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate _____ Diversion rate in CFS _____
Number and type of stock _____ Number of homes _____ Other uses _____
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.
- X 7. Signature of New Owner/Claimant(s) Dan F. Poppleton
Deanna J. Poppleton
(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..

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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 water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for 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,
IDWR Southern Region, 1341 Fillmore St. N., Suite 200,
IDWR Northern Region, 1910 Northwest Blvd., Suite 210,
IDWR Eastern Region, 900 N. Skyline Dr., Suite A,

Boise, ID 83705-5082 (208) 334-2190
Twin Falls, ID 83301-3380 (208) 736-3033
Coeur d'Alene, ID 83814-2615 (208) 769-1450
Idaho Falls, ID 83402-1718 (208) 525-7161

For Value Received

DONALD R. MERRILL and JOANN MERRILL, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

DAN F. POPPLETON and DEANNA J. POPPLETON, husband and wife
Address: 2221 Hillcrest Burley, Idaho, 83318

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

**TOWNSHIP 10 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 28: Beginning at a point 573.28 feet North of the Southwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 28;
Thence East 198.00 feet;
Thence North 144.73 feet, more or less, to a point on the South Right-of-Way line of that certain County Road, which was dedicated by Street Dedication Plat filed January 3, 1973 as Instrument No. 67112 on Film No. 79, records of Cassia County, Idaho;
Thence Northwesterly (Rec. North 67°05' West) along said Road Right-of-Way for 214.96 feet, more or less, to a point on the West boundary line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 28;
Thence South along said West boundary line for 228.42 feet, more or less, to the Point of Beginning.

EXCEPTING THEREFROM the following described parcel:

Beginning at the Southwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 28, said corner marked by a 5/8 inch rebar; Thence North 0°30'55" East (North rec.) along the West line of the E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ for 571.19 feet (573.28 feet rec.) to the Point of Beginning;
Thence North 0°30'55" East (North rec.) along the West line of the E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ for 234.98 feet to the South right of way of that certain county road which was dedicated by Street Dedication Plat filed January 3, 1973, as Instrument No. 67112 on Film No. 79, in records of Cassia County;
Thence South 64°38'33" East (South 65°09' East rec.) along said South right of way for 15.23 feet to a point;
Thence South 1°15'51" West for 8.04 feet to a 1/2 inch rebar;
Thence South 1°15'51" West for 220.56 feet to a 1/2 inch rebar;
Thence North 89°29'04" West for 10.83 feet to the Point of Beginning.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 1995 and subsequent years.

Assessments of the Burley Irrigation District and the rights and powers of said District as by law provided.

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TO HAVE AND TO HOLD the said premises, with their appurtenances unto the sa _____ antee and to the successors heirs and assigns of the Grantee forev _____ The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: June 28, 1995

Donald R. Merrill
Donald R. Merrill

Joann Merrill
Joann Merrill

STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

On this 28TH day of June, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared Donald R. Merrill and JOANN MERRILL, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

KAREN BECKSTEAD
☆ NOTARY PUBLIC ☆
STATE OF IDAHO

Residing at Burley, Idaho
My Commission Expires 3/4/97

Karen Beckstead
Notary Public
Residing at: Burley
My Commission expires: 3/4/97
Page 2 of 2

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
267
JUN 28 PM 4:10
237385

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COMMITMENT FOR TITLE INSURANCE

SCHEDULE B - SECTION I

REQUIREMENTS

Order Number: 26207

The following requirements must be met:

- (a) Pay the agreed amounts for the interest in the land and/or the mortgage to be insured.
- (b) Pay us the premiums, fees and charges for the policy.
- (c) Documents satisfactory to us creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded.
 - 1. Corrected Quitclaim Deed from John C. Merrill and Mary Louise Merrill, husband and wife to Donald R. Merrill and Joann Merrill, husband and wife.
 - 2. Deed from Donald R. Merrill and Joann Merrill, husband and wife, to Dan F. Poppleton and Deanna J. Poppleton, husband and wife.
 - 3. Deed of Trust from Dan F. Poppleton and Deanna J. Poppleton, husband and wife, securing your loan.
- (d) You must tell us in writing the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions.
- (e) Release(s) or Reconveyance(s) of items:
 - 1. Reconveyance of Deed of Trust to secure an indebtedness of \$50,000.00, and any other amounts as therein provided, and together with interest and any obligations secured thereby:

Recorded:	April 29, 1992 as Instrument No. 218764 on Film No. 234, records of Cassia County, Idaho.
Dated:	April 28, 1992
Grantor:	John C. Merrill and Mary Louise Merrill, husband and wife and Donald R. Merrill and JoAnn Merrill, husband and wife
Trustee:	Titlefact, Inc., An Idaho Corporation
Beneficiary:	First Federal Savings Bank of Twin Falls - Burley Branch

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CONTINUATION

SCHEDULE B - SECTION I

Order Number: 26207

(f) Other:

NONE

(g) You must give us the following information:

1. Any off record leases, surveys, etc.
2. Statement(s) of identity, all parties.
3. Other:

-----N O T E-----

The County Treasurer advises us that taxes for 1994 are assessed in the total sum of:
\$821.74 - TR. #RP10S23E280136A

NOTE: In the event this commitment is cancelled prior to the issuance of the policy committed for herein, a fee will be charged in compliance with the State of Idaho Department of Insurance Regulations.

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NE C
SEN

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 45-11886

NAME AND ADDRESS: DON MERRILL
RT 2
2221 HILLCREST RD
BURLEY, ID 83318

SOURCE: GROUNDWATER
QUANTITY: 0.04 CFS

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

PRIORITY DATE: 06/16/1963

POINT OF DIVERSION: T10S R23E S28 NENE Within Cassia 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 Within Cassia County
T10S R23E S28 NENE

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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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

July 13, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DAN F POPPLETON
DEANNA J POPPLETON
2221 HILLCREST RD
BURLEY ID 83318

RE: Water Right 45-11886

Dear Mr. & Mrs. Poppleton:

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,

for L. GLEN SAXTON, Chief
Water Allocations Bureau

LGS:klt

Enclosure

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