

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 24 2023

WATER RESOURCES
WESTERN REGION\$75.00
each

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
2-102	Yes ☐	Yes ☐		Yes ☐	Yes ☐
2-2069	Yes ☐	Yes ☐		Yes ☐	Yes ☐
2-10269	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Walter or Lucy YARBROUGH
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Stephen A. YARBROUGH
New owner(s) as listed on the conveyance document

Box 337
Mailing address
208-834-2205 or 208-590-3869
Telephone

GRAND VIEW IDA 83624
City State Zip
none
Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: 2008

6. Do you own the land identified as the water right place of use? Yes ☒ No ☐
o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.

7. This form must be signed and submitted with the following **REQUIRED** items:

- ☐ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- ☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- ☐ Filing fee (see instructions for further explanation):
- ☐ \$25 per undivided water right.
 - ☐ \$100 per split water right.
 - ☐ No fee is required for pending adjudication claims.
- ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
- ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

SUPPORT DATA
IN FILE # 2-102

JUN 08 2023

8. Signature: Stephen A. Yarbrough 3 23 2023
Signature of new owner/claimant Title, if applicable Date
Stephen Yarbrough
Print name

Signature: _____
Signature of new owner/claimant Title, if applicable Date

Print name

For IDWR Office Use Only:

Received by DM Date 3-24-23 Receipt No. W051094, W051234 Receipt Amt. \$75.00, \$75.00
Active in the Water Supply Bank? Yes ☐ No ☒ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
Name on W-9 _____ Approved by DM Processed by DM Date 6-8-23

RECEIVED

MAR 21 2023

WATER RESOURCES
WESTERN REGION

RECEIVED

Mar 17, 2023

DEPARTMENT OF
WATER RESOURCES

SECOND CORRECTED TRUSTEE'S DEED

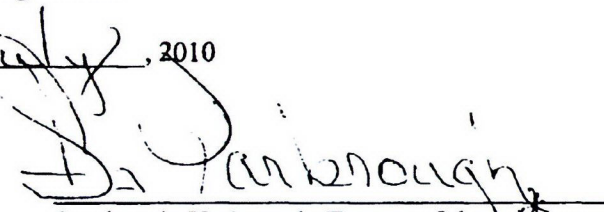
For Value Received:

Stephen A. Yarbrough, as the Successor Trustee of THE TRUST AGREEMENT, also known as the Walter H. Yarbrough Trust under The Trust Agreement, dated the 8th day of July, 1994, does hereby **correct that certain Corrected Trustee's Deed dated July 7, 2010, recorded as Instrument No. 271533, wherein it references incorrectly the recording number for that certain Trustee's Deed dated June 18, 2010, recorded in the records of Owyhee County, Idaho, as Instrument No. 271285, which correct recording number is Instrument No. 271385,** to convey, release, transfer and forever quitclaim unto Stephen A. Yarbrough, as his sole and separate property, together with all income, rents, profits, issues, interest, and dividends which may from time to time accrue to his separate property, whose current address is 23287 Question Mark Ranch Road, Box 337, Grand View, Idaho, 83624, the following described premises located in Owyhee County, Idaho, and more particularly described as follows, to-wit:

See Exhibit "A" attached hereto and made a part hereof as though fully set forth herein.

Together with all appurtenances pertaining thereto.

Executed this 28 day of July, 2010


Stephen A. Yarbrough, Trustee of the
Trust Agreement, dated July 8, 1994

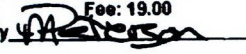
Instrument # 271854

MURPHY, OWYHEE, IDAHO

8-8-2010 01:09:21 No. of Pages: 4

Recorded for : BATT FISHER PUSCH & ALDERMAN

CHARLOTTE SHERBURN Fee: 19.00

Ex-Officio Recorder Deputy 

Index to: DEED, TRUSTEE

SECOND CORRECTED TRUSTEE'S DEED - 1

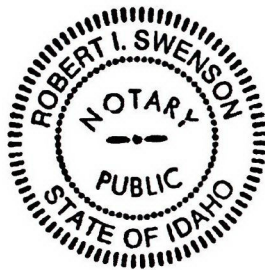
SCANNED

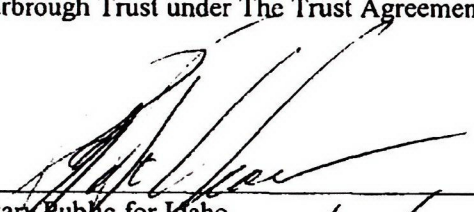
JUN 08 2023

STATE OF IDAHO)

County of OWYHEE) ss.

On this 26 day of July, 2010, before me, a notary public in and for said State, personally appeared Stephen A. Yarbrough, Trustee of THE TRUST AGREEMENT, also known as the Walter H. Yarbrough Trust under The Trust Agreement, dated the 8th day of July, 1994, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that he executed the same as Trustee of THE TRUST AGREEMENT, also known as the Walter H. Yarbrough Trust under The Trust Agreement, dated July 8, 1994, for the purposes contained herein.




Notary Public for Idaho

Commission Expires: 12/12/2015

SECOND CORRECTED TRUSTEE'S DEED - 2

SCANNED

JUN 08 2023

EXHIBIT "A"

Parcel 1:

Lots 5 and 6, N 1/2 SE 1/4 of Section 36, Township 4 South, Range 2 East, B.M., Owyhee County, Idaho

Parcel 2:

All of Section 31, Township 4 South, Range 3 East, B.M., Owyhee County, Idaho

Parcel 3:

Lot 4, Section 6, Township 5 South, Range 3 East, B.M., Owyhee County, Idaho

Parcel 4:

Lot 5, Section 6, Township 5 South, Range 3 East, B.M., Owyhee County, Idaho, except the following:

Beginning at the Northwest corner of Lot 5, Section 6, Township 5 South, Range 3 East, B.M., thence 700 feet in an Easterly direction along the Township line; thence Southerly 500 feet on a line parallel with the West boundary of said Lot 5; thence Westerly 700 feet on a line parallel with the North boundary line of said Lot 5 to a point on the West line of said Lot; thence Northerly along the West boundary of said Lot 5, 500 feet to the place of beginning, being a tract in the Northwest corner of said Lot 5, and upon which the Merc. Store of the parties of the second part is now situated. Containing 8 acres.

EXCEPTING THEREFROM:

A parcel of land lying in Government Lots 4 and 5 of Section 6, Township 5 South, Range 3 East, Boise Meridian, Owyhee County, Idaho, said parcel being more particularly described as follows:

COMMENCING at a 5/8 inch rebar marking the West Quarter Corner of said Section 6; thence

North 0°25'30" East, 2640.44 feet along the West line of said Section 6 to a 5/8 rebar marking the Northwest Corner of said Section 6; thence

South 89°42'43" East 2533.36 feet along the North line of said Section 6 to a 5/8 inch rebar marking the North Quarter Corner of said Section 6; thence

EXHIBIT "A" Continued -

North 89°42'43" West 1320.43 feet to a point marking the Northwest Corner of Government Lot 5; thence

South 0°18'09" East 500.00 feet along the West line of said Government Lot 5 to a ½ inch rebar also being the POINT OF BEGINNING; thence

South 89°42'43" East 700.00 feet to a ½ inch rebar; thence

North 0°18'09" West 31.20 feet to a ½ inch rebar; thence

South 89°44'04" East 800.69 feet to a ½ inch rebar lying on the left bank of the Snake River; thence along the left bank of said Snake River the following courses and distances:

South 58°40'04" West 187.71 feet to a point;

South 51°32'44" West 215.79 feet to a point;

South 57°02'09" West 258.24 feet to a point

South 74°03'43" West 86.34 feet to a point;

South 39°27'40" West 116.56 feet to a point;

South 46°17'22" West 422.76 feet to a point;

South 32°51'00" West 76.55 feet to a ½ inch rebar lying on the South line of said Government Lot 5; thence leaving said left bank

North 89°50'58" West 446.00 feet along said South line to a ½ inch rebar marking the Southwest Corner of said Government Lot 5; thence

North 0°18'09" West 817.34 feet along the West line of said Government 5 to a ½ inch rebar to the POINT OF BEGINNING.

RECEIVED

MAY 15 2023

WATER RESOURCES
WESTERN REGION

ACCEPTANCE BY TRUSTEE:

Stephen A. Yarbrough, of Grand View, Idaho, hereby accepts the Trusteeship of THE TRUST AGREEMENT, also known as the Walter H. Yarbrough Trust, under The Trust Agreement dated the 8th day of July, 1994.

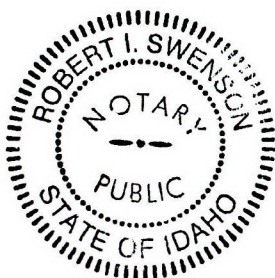
DATED this 18 day of June, 2010.

Stephen A. Yarbrough
Stephen A. Yarbrough

STATE OF IDAHO)
) ss.
County of Ada)

On this 18 day of June, 2010, before me, Robert I. Swenson, a notary public in and for said state, personally appeared Stephen A. Yarbrough, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that he executed said document for the purposes contained therein.

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



Robert I. Swenson
Notary Public for Idaho

Commission Expires: 12/12/2013

SCANNED

JUN 08 2023

- 1 -

Instrument # 271384

MURPHY, OWYHEE, IDAHO

6-24-2010 02:39:41 No. of Pages: 1

Recorded for: BATT FISHER PUSCH & ALDERMAN

CHARLOTTE SHERBURN

Ex-Officio Recorder Deputy Metersen

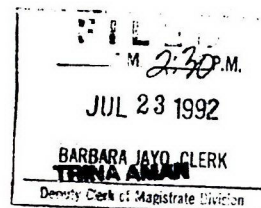
Index to: TRUSTEE, APPOINTMENT OF

Mar 28, 2023

DEPARTMENT OF
WATER RESOURCES

James R. Gillespie
James R. Gillespie, P.A.
512 West Bannock
P.O. Box 2337
Boise, ID 83701
Telephone: (208) 344-8400

Attorneys for Applicant



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF OWYHEE

In the Matter of the Estate of)
LUCY R. YARBROUGH,)
Deceased.)

Case No. *SP-92-00052*
DECREE VESTING ESTATE
IN SURVIVING SPOUSE

Upon consideration of the Petition for Summary Administration of Estate in Which Surviving Spouse is Sole Beneficiary filed by Walter H. Yarbrough on or about the 16th day of July, 1992, the Court finds that:

1. The facts set forth in the petition are true.
2. The required notice has been given or waived.
3. The decedent, Lucy R. Yarbrough, died on January 9, 1992, domiciled in Owyhee County, Idaho.
4. Venue is proper.
5. The decedent and Petitioner were married at Wallace, Idaho, on July 17, 1941, and remained married until the date of decedent's death.
6. The surviving spouse, Walter H. Yarbrough, is the sole heir or devisee of the decedent.

7. The decedent died intestate.

8. The decedent at death owned certain personal property and also owned an interest in the real property described on Exhibit "A" attached hereto and made a part hereof by reference. Ownership of decedent's property vested at death in the surviving spouse.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. Walter H. Yarbrough is the surviving spouse of Lucy R. Yarbrough, the decedent, and is the sole heir or devisee of the decedent.

2. The property of the decedent, including the real property described on Exhibit "A" attached hereto and by this reference made a part hereof as if set forth at length, is hereby vested in and distributed to Walter H. Yarbrough free and clear of all right, title, claim or demand of any person or persons claiming or attempting to claim under the estate of the decedent as heir, devisee, or otherwise, except as a proper creditor.

3. The surviving spouse shall assume and be liable for any and all indebtedness that might be a claim against the estate of the decedent.

4. There shall be no administration of the estate of the decedent.

DATED this 24th day of July, 1992.

AMUEL T. ESTERSON

Magistrate Judge

EXHIBIT "A"

Real Property

Parcel 1:

A tract of land in the SE1/4SE1/4 of Section 16, Township 5 South, Range 3 East, B.M., being a fraction of Lot 5 and 6, all of Lots 11 and 12, and the easterly one-half of vacated Lamont Avenue adjacent to Lots 11 and 12, all in Block 5 of Jensen's Subdivision to Grand View, Owyhee County, Idaho, and being more particularly described as follows:

Beginning on the lot line common to Lots 4 and 5, Block 5, Jensen's Subdivision, on the westerly right-of-way line of State Highway 67, the true point of beginning: Thence South 89°39'42" West a distance of 274.6 feet to an iron pin, said point being on the center line of vacated Lamont Avenue; thence North 5°00'42" East along center line of vacated Lamont Avenue a distance of 150 feet to an iron pin; thence North 89°39'42" East along the north boundary line of Lots 11 and 6, Block 5, Jensen Subdivision, a distance of 262.0 feet more or less to the west right-of-way line of State Highway 67; thence along the West right-of-way line of State Highway 67 on a 5° circular curve to the right whose central angle is 1°37'55" a distance of 6 feet more or less; thence continuing southerly along the West boundary of the right-of-way to State Highway 67 along a spiral curve 2°30' a distance of 98 feet more or less to a point; thence South 0°00'42" West along the West boundary line of the right-of-way to State Highway 67 a distance of 43 feet more or less to the point of beginning.

Containing 0.92 acres.

Parcel 2:

Lots 5 and 6, N1/2SE1/4 of Section 36, Township 4 South, Range 2 East, B.M., Owyhee County, Idaho.

Parcel 3:

All of Section 31, Township 4 South, Range 3 East, B.M., Owyhee County, Idaho.

Parcel 4:

Lot 4, Section 6, Township 5 South, Range 3 East, B.M., Owyhee County, Idaho.

EXHIBIT "A"

SCANNED

JUN 08 2023

Parcel 5:

Lot 5, Section 6, Township 5 South, Range 3 East, B.M., Owyhee County, Idaho, except the following:

Beginning at the Northwest corner of Lot 5, Section 6, Township 5 South, Range 3 East, B.M., thence 700 feet in an easterly direction along the Township line; thence southerly 500 feet on a line parallel with the west boundary of said Lot 5; thence westerly 700 feet on a line parallel with the north boundary line of said Lot 5 to a point on the east line of said Lot; thence northerly along the west boundary of said Lot 5, 500 feet to the place of beginning, being a tract in the Northwest corner of said Lot 5, containing 8 acres.

Parcel 6:

Lot 3, Block 3, Ranch Subdivision No. 1, according to the plat thereof, records of Boise County, Idaho.

Parcel 7:

Lots 38 and 39, Crown Point Subdivision, according to the plat thereof, records of Valley County, Idaho.

STATE OF IDAHO
County of Owyhee

I hereby certify that the foregoing instrument is a true and correct copy of the original on file in this office.

7-27-92
Barbara Jayo, Clerk of the District Court

Barbara Jayo
Deputy Clerk of Magistrate Division

REQUEST OF
DEPUTY
BARBARA JAYO
OWYHEE COUNTY RECORDER
BY *Barbara Jayo*
JUL 23 1992

92 JUL 27 PM 3 29

FILED-RECORDED

208463

SCANNED

JUN 08 2023



Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

June 08, 2023

STEPHEN A YARBROUGH
PO BOX 337
GRAND VIEW ID 83624-0337

Re: Change in Ownership for Water Right No(s): **2-102, 2-2069**

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

After additional review from one of our Water Rights agents we found that there was no split necessary to complete this change for you. A refund of \$100.00 has been requested and will be mailed to QUESTION MARK RANCH under separate cover from the Idaho State Controller's Office.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208)605-4620.

Sincerely,

Debra Mansfield
Office Specialist II

Enclosure(s)

SCANNED

JUN 08 2023

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/8/2023

Water Right 2-102

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STEPHEN A YARBROUGH PO BOX 337 GRAND VIEW, ID 83624-0337 (208) 834-2205
Original Owner	LUCY R YARBROUGH RT B BOX 216 GRAND VIEW, ID 83624 (208) 834-2727
Original Owner	WALTER H YARBROUGH RT B BOX 216 GRAND VIEW, ID 83624 (208) 834-2727

Priority Date: 5/9/1969

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	0.100 CFS	
	<u>Total Diversion</u>		0.100 CFS	

Source and Point(s) of Diversion:

SNAKE RIVER L5(SWNENW) Sec. 6, Twp 05S, Rge 03E, OWYHEE County

Place Of Use:

IRRIGATION within OWYHEE County

				NE				NW				SW				SE				Totals
Twp	Rng	Sec		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	03E	6			6.0 L4															6.0

POU Total Acres: 6.0

Conditions of Approval:

1. F05 RIGHT NO. 02-02069 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/8/2023

entry of a final unified decree. Section 42-1412(6), Idaho Code.

Dates and Other Information:

Decreed Date: 6/15/2009
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: 02
Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

N/A

Water Supply Bank:

N/A



Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

January 25, 2023

STEPHEN YARBROUGH
PO BOX 337
GRAND VIEW, ID 83624

RE: Change in Address for Water Right/Permit No(s): 02-102, 02-10298

Dear Water Right Holder:

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing the address for **Stephen Yarbrough** for the above referenced water rights. The purpose of this letter is to notify you that we are unable to process your request.

The Department's records reflect **Lucy R Yarbrough & Walter H Yarbrough** as the current owners for the above referenced water rights. If you own the water rights or property, a Notice of Change in Water Right Ownership must be submitted to the Department with the appropriate fees. The correct form has been enclosed for your convenience. Because the Department cannot process this request at this time, we are returning the Change in Address to you.

If you have any questions regarding this matter, please contact our office at (208) 334-2190.

Sincerely,

Debra Mansfield
Office Specialist II

Enclosures

SCANNED

FEB 07 2023

RECEIVED

JAN 23 2023

Rev. 02/14

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only

Updated by DM

Date 1-25-23

Returned

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

Water Right Number(s): 2-102 2-2069

Name(s): Stephen A. YARBROUGH
Question Mark Ranch

Old Mailing Address: HC. 85 Box 216 - unused for many years

New Mailing Address: Box 337
GRAND VIEW IDAHO
83624

Telephone Number: 208-834-2205

Email: _____

Signature(s) of Owner(s) S A Yarbrough

(Include your title if on behalf of company or organization.)

Date: 1-19-23

Send a signed original to your closest regional office:

IDWR Northern Region
7600 N. Mineral Dr., Suite 100
Coeur d'Alene, ID 83815-7763
(208) 762-2800

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
650 Addison Ave W, Suite 500
Twin Falls, ID 83301-5858
(208) 736-3033

SUPPORT DATA
IN FILE # 2-102

SCANNED

FEB 07 2023