

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-00326
Date Received: 5/07/1990
Receipt No: ED 142.19
Received By: AMD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM T. EVANS 208-897-5734
Address: 25976 SOUTH HIGHWAY 91
DOWNEY, ID 83234

2. Date of Priority: JUN 09, 1904

3. Source: STATION CREEK Trib. to: BIRCH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	36E	2	NE	SW			BANNOCK

5. Description of diverting works:
HEADGATE AND CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.500		

7. Total Quantity Appropriated is:
2.500 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 312.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	36E	1	SW	SW		IRR	30.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	30.0
		2	SE	NE	IRR	8.0
			NE	SE	IRR	40.0
			SE	SE	IRR	40.0
					Section Acres	88.0
					Total Acres	118.0

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
29-00328C

14. Remarks:

AC. IRR. = 360.
DIVERSION RATE IS 1/5 THE FLOW OF STATION CREEK.
PRIORITY DATE BASED ON DATE OF DECREE.
MR EVAN'S DEEDS CALL FOR 1/5 OF THE WATER OF STATION CREEK. THE
FLOW RATE CLAIMED IS BASED ON 1 INCH PER ACRE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

HENRY WAKLEY ET AL
Decree Plaintiff

GEORGE WAKLEY.
Decree Defendant

vs

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not / wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): William DeLeon Date: 5/7/90

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 7th day
of May 19 90

Seal

Betty J. Thompson
Notary Public

Residing at 1111 N. 1st St. Boise, Idaho 83702
My Commission Expires 05/07/94

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-326
Date Received: 5/7/90
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

FRANK D WINWARD Phone: (208) 897-5986

PO BOX 7
DOWNEY ID USA 83234

2. Date of Priority: 06/09/1904

3. Source: STATION CREEK Trib. to: BIRCH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
12S	36E	2	NE SW	BANNOCK

5. Description of diverting works:

HEADGATE AND CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	2.5	

7. Total Quantity Appropriated is:
2.5 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of	1/4 Lot	Use	Acres
12S	36E	1	SW	SW	IRRIGATION	21
					Section Acres	21
12S	36E	2	SE	NE	IRRIGATION	4.5
			NE	SE	IRRIGATION	38
			SE	SE	IRRIGATION	40
					Section Acres	82.5
					Total Acres	103.5

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

AC. IRR. = 360
 DIVERSION RATE IS 1/5 THE FLOW OF STATION CREEK
 PRIORITY DATE BASED ON DATE OF DECREE
 MR EVAN'S DEEDS CALL FOR 1/5 OF THE WATER OF STATION CREEK. THE FLOW RATE CLAIMED IS
 BASED ON 1 INCH PER ACRE

CHANGED OWNERSHIP PER REQUEST/CV/12/01/00

15. Basis of Claim: Decreed



MICROFILMED
NOV. 1 1992



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

December 1, 2000

FRANK D WINWARD
PO BOX 7
DOWNEY ID 83234

RE: CHANGE IN OWNERSHIP FOR A29-00326, A2900328C

Dear Claimant:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner(s).

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Cheri Vandermeulen

Cheri Vandermeulen
Records Clerk

Enclosure: Notice(s) of Claim

Form 42-248/42-1409(6) July, 2000

OK JC

RECEIVED
OCT 30 2000

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

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

Department of Water Resources
Eastern Region

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), 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
A 29-00326					
A 29-00328C					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. na
- 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) 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(s)

William T. Evans
25976 S. Highway 91
Orwney Idaho 83234

New Owner/Claimant(s)

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

X New Mailing Address

P.O. BOX 7

X City, State and ZIP Code

DAWNEY IDAHO 83234

X New Telephone Number

(208) 897-5986

5. X Date you acquired the property

10-4-2000

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	_____	

Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Frank D. Winward

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 _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

20015972

Stg-20/15

NO. _____
RECORDED AT REQUEST OF
STEWART TITLE OF POCA TELLO
2000 OCT 4 PM 1 58

20015972

After Recording Return To:

Frank D. Winward
3962 South 2275 West
Roy, Utah 84067OFFICIAL RECORD BOOK NO. 267
BANNOCK COUNTY IDAHO
LARRY W. CHAN RECORDER
FEE 9.00

3-1

WARRANTY DEED

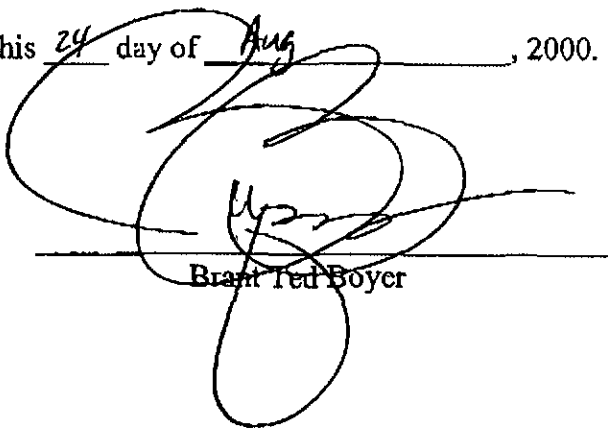
For the consideration of Ten Dollars, and other valuable considerations, BRANT TED BOYER, an unmarried man, of 5375 West 4680 East, Hooper, Utah 84315, Grantor, hereby grants, bargains, sells and conveys to Frank D. Winward, whose address is 3962 South 2275 West, Roy, Utah 84067, Grantee, the following real property situated in Bannock County, Idaho, together with all rights and privileges appurtenant thereto, to wit:

A parcel of land in Bannock County, State of Idaho, described as shown on the annexed Exhibit "A".

SUBJECT to an Oil and Gas Lease recorded May 2, 1979 and all easements, rights-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 the parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto 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, except those arising from the acts of Grantee and those claiming by, through, or under Grantee.

WITNESS the hands of the Grantor, this 24 day of Aug, 2000.


Brant Ted Boyer

20015972

STATE OF FLORIDA)

:SS

COUNTY OF DUVAL)

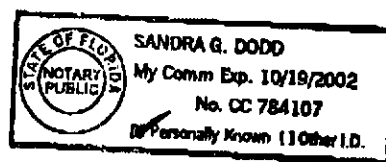
3-8

On this 24th day of August, 2000, before me
Sandra G. Dodd personally appeared Brant Ted Boyer 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 by official seal the day and
year in this certificate first above written.

Sandra G. Dodd
Notary Public for Florida

Commission expires: 10/19/02



20015972

3-3

Exhibit "A"**(Legal Description)**

Township 12 South, Range 36 E.B.M., Bannock County, Idaho;

Section 1: SW1/4 SW1/4, That portion of Lot 4 lying west of the Marsh Valley Road.

Section 2: Lot 1, SE1/4 NE 1/4, E1/2 SE1/4

Excepting therefrom:

That part of the SW1/4SW1/4 of Section 1, T 12 S, R 36 E, Bannock County, Idaho, described as follows:

Beginning at the northeast corner of said SW1/4SW1/4; thence S. 00°21'42" W, 1303.40 feet, along the East line of said SW1/4SW1/4 to a point under the north right of way fence Stumpo Road, N 00°21'42" E, 22.64 feet, of the Southeast corner of said SW1/4SW1/4; thence N. 89°07'18" W, 634.28 feet, along said North right of way fence to a point at the intersection of said fence with the easterly right of way fence of Marsh Valley Road; thence N. 05°14'24" E. 1304.56 feet, along said easterly right of way fence to a point on the north line of said SW1/4SW1/4; thence S. 89°24'07" E. 523.32 feet, along said north line to the corner of beginning.

COPY

P29176

WARRANTY DEED

For Value Received WILLIAM T. EVANS, a married man as his sole and separate property

99018922

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

BRANT TED ROYER, AN UNMARRIED MAN

whose address is: 5375 W. 4680 S. HOOPER UT, 84315

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

TOWNSHIP 12 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO:

SECTION 1: SW $\frac{1}{4}$ /SW $\frac{1}{4}$, THAT PORTION OF LOT 4 LYING WEST OF THE MARSH VALLEY ROAD.SECTION 2: LOT 1, SE $\frac{1}{4}$ /NE $\frac{1}{4}$, EY $\frac{1}{4}$ SE $\frac{1}{4}$.

EXCEPTING THEREFROM:

THAT PART OF THE SW $\frac{1}{4}$ /SW $\frac{1}{4}$ OF SECTION 1, T 12 S, R 36 E, BANNOCK COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SW $\frac{1}{4}$ /SW $\frac{1}{4}$; THENCE S 00°21'42" W, 1303.40 FEET, ALONG THE EAST LINE OF SAID SW $\frac{1}{4}$ /SW $\frac{1}{4}$ TO A POINT UNDER THE NORTH RIGHT OF WAY FENCE STUMPO ROAD, N 00°21'42" E, 22.64 FEET, OF THE SOUTHEAST CORNER OF SAID SW $\frac{1}{4}$ /SW $\frac{1}{4}$; THENCE N 89°07'18" W, 634.28 FEET, ALONG SAID NORTH RIGHT OF WAY FENCE TO A POINT AT THE INTERSECTION OF SAID FENCE WITH THE EASTERLY RIGHT OF WAY FENCE OF MARSH VALLEY ROAD; THENCE N 05°14'24" E, 1304.66 FEET, ALONG SAID EASTERLY RIGHT OF WAY FENCE TO A POINT ON THE NORTH LINE OF SAID SW $\frac{1}{4}$ /SW $\frac{1}{4}$; THENCE S 89°24'07" E, 523.32 FEET, ALONG SAID NORTH LINE TO THE CORNER 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.

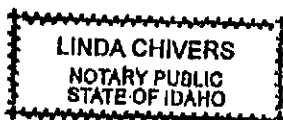
Dated: September 8, 1999

William T. Evans
WILLIAM T. EVANS

STATE OF IDAHO)
: ss
COUNTY OF BANNOCK)

On This 9th day of SEPTEMBER, 1999, before me, a Notary Public in and for said State, personally appeared WILLIAM T. EVANS, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that he executed the same.

Linda Chivers
Notary Public of Idaho
Residing at POCA TELLO,
Commission Expires: 02-18-2006



99018922

NO
RECORDED AT REQUEST
FIRST AMERICAN TITLE
'99 SEP 24 AM 11:

OFFICIAL RECORD BOOK
BANNOCK COUNTY IDA
LARRY R. HAN RECORD
FEE 7.46 DEPUTY

Form RD 440-34
(Rev. 6-97)

Inwest

Position 5
UNITED STATES DEPARTMENT OF AGRICULTURE
RURAL DEVELOPMENT
FARM SERVICE AGENCY

FORM APPROVED
OMB NO. 0575-0172

OPTION TO PURCHASE REAL PROPERTY

1. In consideration of the sum of \$ Ten Dollars in hand paid and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned (hereinafter called the "Seller"), who covenants to be the owner thereof, hereby, for the Seller and the Seller's heirs, executors, administrators, successors and assigns, offers and agrees to sell and convey to

FRANK D. COLLINS

(Name and Address)

(hereinafter called the "Buyer"), and hereby grants to the said Buyer the exclusive and irrevocable option and right to purchase, under the conditions hereinafter provided, the following-described property, located in BANNOCK

County, State of IDAHO

(Insert here full and complete legal description, including volume and page where recorded, of the property including any water rights and water stock being purchased.)

Township 12 South, Range 36 East of the Boise Meridian, Bannock County, Idaho
Section 1: SW1/4SW1/4, that portion lying west of the Marsh Valley Road,
that portion of lot 4 lying West of the Marsh Valley Road;
Section 2: Lot 1, SE1/4NE1/4, E1/2SE1/4. CONTAINING APPROXIMATELY 200
39 head Forest Range Permit on Elkhorn Range.

THE PROPERTY SHALL INCLUDE ALL WATER RIGHTS
1/5 OF STATION CREEK
1/2 OF BIRCH CREEK
AND ALL WATER ORIGINATING ON SAID PROPERTY

Post-It® Fax Note	7871	Date	8/14/00	# of pages	1
To	<u>Cindy Lund</u>		From	<u>Sandi C.</u>	
Co./Dept.			Co.		
Phone #			Phone #		
Fax #			Fax #		

According to the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0575-0172. The time required to complete this information collection is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Dept. of Water Resources

RD 440-34 (Rev. 6-97)

9/22/00

Spoke to Eanie Carlson

he confirmed that

1/5 of Station Creek is A29-00322

1/2 of Birch Creek is A29-00388

(Insert here a full statement of all reservations, exceptions and leases, including in the case of leases, the date of the termination of the lease, the correct name(s) and address(es) of the leasee(s) and, if recorded, the place of recordation)

exceptions NONE --
Offer made to participate in with seller cooperatively
in 1031 Tax Deferred exchange with property to be identified
at time of closing

XXXXX Receipts given under the Buy American Act made by the United States of America, acting through the ☒ Bureau of Housing Service ☐ Bank Housing Service ☐ Bank Business Corporation Service ☒ Bank Service Agency, shall not make the Government for the purpose of sold property. It is agreed that the Buyer's certificate shall be a final receipt & proof of the completion for this receipt and any other payment is forfeited if the transaction is not approved by the Government.

☒ includes ☐ excludes the \$ 10.00 mentioned in paragraph 1.

(Strike inapplicable language above or insert herein any different agreement regarding the paying of title clearance charges)

Title, policy in name of Buyer shall be at sole cost of Buyer. All closing costs shall be cost of Buyer. All protection are to be cost of Buyer. Untransferred Rights conveyed are those that were conveyed to Seller and are only the ones transferred to Buyer.

6. The Seller further agrees to convey said property to the Buyer by general warranty deed (except where the law provides otherwise for conveyances by trustees, officers of courts, etc.) in the form, manner and at the time required by the Government, conveying to the Buyer a valid, unencumbered, indefeasible fee-simple title to said property meeting all requirements of the Government; that the purchase price shall be paid at the time of recording such deed; and that said lands, including improvements, shall be delivered in the same condition as they now are, customary use and wear excepted.

(Insert here any different tax agreement)

all costs of assessments, taxes, and other general
+ special assessments and solely cost of Buyer

8. This option may be exercised by the Buyer, at any time while the offer herein shall remain in force, by mailing, telegraphing or delivering in person a written notice of acceptance of the offer herein to Craig Boyce,
at 5605 S 3500 W, in the city of Ray,
County of Webster, State of Utah.

The offer herein shall remain irrevocable for a period of 3 months from the date hereof and shall remain in force thereafter until one (1) year from the date hereof unless earlier terminated by the Seller. The Seller may terminate this offer at any time after the 3 months irrevocable period provided herein by giving to the Buyer ten (10) days written notice of intention to terminate at the address of the Buyer. Acceptance of this option by the Buyer within ten (10) days after such notice is received by the Buyer shall constitute a valid acceptance of the option.

9. Loss or damage to the property by fire or from an act of God shall be at the risk of the Seller until the deed to the Buyer has been recorded, and in the event that such loss or damage occurs, the Buyer may, without liability, refuse to accept conveyance of title, or may elect to accept conveyance of title, in which case there shall be an equitable adjustment of the purchase price.

10. The Seller agrees that, irrespective of any other provision in this option, the Buyer, or the Buyer's assignee, may, if the option is accepted, without any liability therefore refuse to accept conveyance of the property described herein if the foreclosed loan cannot be made or insured because of defects in the title to other land now owned by, or being purchased by, the buyer.

11. The Seller agrees to furnish, at Seller's expense, to the Buyer a certificate from a reliable firm certifying that the following described building(s) covered by this option (a) is now free of termite infestation and (b) either is now free of unrepaired termite damage or has suffered unrepaired termite damage which is specifically described in the certificate.

12. The Seller agrees to furnish, at the Seller's expense, to the Buyer evidence from the Health Department or a reliable and competent source that the waste disposal system for the dwelling is functioning properly, and the water supply for domestic use meets State Health Department requirements. This evidence must be in the Agency Office before a loan will be approved.

13. The Seller hereby gives the Government or its agents consent to enter on said property at reasonable times for the purpose of inspecting or appraising it, in connection with the making of a loan to purchase the property.

14. Insert here conditions peculiar to this particular transaction.

(Seller Telephone Number)

801-998-3333

IN WITNESS WHEREOF, the Seller and the Buyer have set their hands and seals this 7 day
of August, 1990 (E.S.)

WITNESSES:

Craig Boyce (Seller)
David Boyce (Seller)
Frank D. Williams (Buyer)
P.O. Box 7 Downey (Buyer)
I.D. 83234

(Indicate marital status of Seller as "married", "legally separated", "unmarried", after signature)
(over)



STEWART TITLE
GUARANTY COMPANY
October 27, 2000

RECEIVED

OCT 30 2000

Department of Water Resources
Eastern Region

JENNIFER D. BERRIOCHOA
National Closing Specialist
National Title Services

VIA FEDERAL EXPRESS

Jennifer Crabtree
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
900 North Skyline Drive
Idaho Falls, ID 83402

RE: Water Right No's: A29-00326 (1/5 Station Creek)
and A29-00328C (1/12 Birch Creek)
Brant Ted Boyer & Frank Winward
Property: A portion of Lot 4 lying West of Marsh Valley Road
Pocatello, Bannock County, State of Idaho
Our Escrow No.: 00050172

Dear Jennifer:

Pursuant to your letter dated October 20, 2000, please find enclosed herewith my original package and original cover letter sent to you on October 10, 2000 now completed with the original signature of Frank D. Winward (the new owner/claimant) and his mailing address of the Idaho property.

Your file should now be complete for processing. Again, please send any new certificate and/or other such confirmation from your office (if any) directly to Frank D. Winward at 3962 South 2275 West, Roy, UT 84067.

Thank you for your prompt attention to this matter. If you find that you do need anything further from me, please contact me at 800-834-6617 or 801-595-5775.

Sincerely,


Jennifer Berriochoa

JDB/ms
Enclos.

cc: Frank D. Winward **"Enhancing the Real Estate Closing Process"™**

455 East 500 South, Suite 200 • Salt Lake City, Utah 84111
Direct: (801) 595-5775 • (801) 355-9696 • (800) 834-6617 • FAX: (801) 355-9641
a Stewart Information Services company (NYSE: STC) • www.stewart.com

RECEIVED

OCT 11 2000

Department of Water Resources
Eastern Region

JENNIFER D. BERRIOCHOA
National Closing Specialist
National Title Services


Society of Contract
STEWART TITLE
GUARANTY COMPANY
October 10, 2000

VIA FEDERAL EXPRESS

Jennifer Crabtree
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
900 North Skyline Drive
Idaho Falls, ID 83402

RE: Water Right No's: A29-00326 (1/5 Station Creek)
and A29-00328C (1/12 Birch Creek)
Brant Ted Boyer & Frank Winward
Property: A portion of Lot 4 lying West of Marsh Valley Road
Pocatello, Bannock County, State of Idaho
Our Escrow No.: 00050172

Dear Jennifer:

In speaking with Earnie Carlsen of your office he mentioned that it would be helpful in the processing of the change in ownership of water rights to include as much information as possible. Therefore, please find enclosed herewith the following items:

1. One original Notice of Change in Water Right Ownership Form regarding the above referenced water right numbers executed by William T. Evans;
2. One copy of the recorded Warranty Deed from William T. Evans to Brant Ted Boyer;
3. One copy of the First American Insurance Policy insuring Brant Ted Boyer;
4. One copy of the Option to Purchase Real Property between Frank Winward as Buyer and Brant Ted Boyer as Seller;
5. One copy of the Stewart Title Commitment; and
6. One copy of the recorded Warranty Deed from Brant Ted Boyer to Frank Winward.

Please note the original notice of change form from William T. Evans to Brant Ted Boyer was never received by your office and was sent directly to us. Please adjust your records accordingly to reflect water right numbers A29-00326 (1/5 of Station Creek) and A29-00328C (1/12 of Birch Creek) in the name of Frank D. Winward as owner.

Also, please provide any such confirmation of change of ownership to the undersigned and Frank D. Winward at 3962 South 2275 West, Roy, UT 84067.

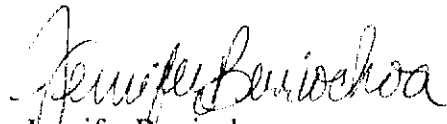
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455 East 500 South, Suite 200 • Salt Lake City, Utah 84111
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Jennifer Crabtree
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
October 10, 2000
Page 2

Thank you for your help and cooperation, if you have any questions, concerns or comments, please contact the undersigned immediately at 800-834-6617 or 801-595-5775.

Sincerely,


Jennifer Berriochoa

JDB/ms

Enclos.

cc: Frank D. Winward



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

October 20, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JENNIFER BERRIOCHOA
STEWART TITLE
455 E 500 SOUTH STE 200
SALT LAKE CITY UT 84111

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP FOR A29-00326,
A29-00328C (EVANS - WINWARD)

Dear Ms. Berriochoa:

I am returning the above referenced document for more information. Please have Mr. Winward or his attorney fill in item 4 and sign item 7. Return the entire packet and we will process as soon as possible.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Crabtree".

Jennifer Crabtree
Technical Records Specialist

Enclosure

cc: Frank D. Winward

12-1-00.

Note To File:

I reduced acreage
per deed but the
water was conveyed
to new owner per
the deed.

J Crabtree (with
Ernie's help)

Log for claim A29-00326

Spatial Dynamics TWB

5/10/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s36e	1	SWSW	40	40.3	
12s36e	2	SENE	8	7.3	
12s36e	2	NESE	40	40.4	
12s36e	2	SESE	40	40.4	
Totals:			128	128.4	

AJ5809NP
No. A29-00326

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 9

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIAM T EVANS 25976 S HWY 91 DOWNEY ID 83234 (208) 897-5734	06/09/1904	IRRIGATION	04-01 11-01	2.500 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	2.500 CFS 312.00 AFA

Water Source: STATION CREEK

Tributary to: BIRCH CREEK

Stage: DECREED

Point(s) of Diversion: T12S R36E S02 NESW

BANNOCK County

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM		
12S	36E	1	:									:					30				:	30.0		
12S	36E	2	:							08		:								40	:	88.0		
																					TOTAL ACRES		118.0	

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: 29-00328C

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00328C

Remarks: GEN AC. IRR. = 360.
DIVERSION RATE IS 1/5 THE FLOW OF STATION CREEK.
PRIORITY DATE BASED ON DATE OF DECREE.
MR EVAN'S DEEDS CALL FOR 1/5 OF THE WATER OF STATION CREEK. THE
FLOW RATE CLAIMED IS BASED ON 1 INCH PER ACRE.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag: C

Audit: 05/08/90 DUNN 04/29/94 COX 03/29/95 POST-STD 04/12/00 CVANDERM

1422

WARRANTY DEED

769832

For Value Received

Melvin Wakley and Nellie Wakley, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto

Kenneth E. Petersen and Beverly M. Petersen, husband and wife

the grantees, the following described premises, in Blaine County Idaho, to wit:

Township 12 South, Range 36 East of the Boise Meridian

Section 1: Lot 2, Lot 4, SE 1/4, 1/4

Section 2: Lot 1, SE 1/4, 1/4

Together with the following water rights:

1/5 of Station Creek

1/12 of Birch Creek

TO HAVE AND TO HOLD the said premises, with all appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that the said Grantees, the owners of fee simple of said premises, that they are free from all incumbrances

and that they will warrant and defend the same against all claims whatsoever

Dated: October 12, 1973

Melvin Wakley
Nellie Wakley

STATE OF IDAHO, COUNTY OF FRANKLIN

On this 12th day of October, 1973
 before me, a notary public in and for said State, personally
 appeared Melvin Wakley and wife
 Nellie Wakley

NOTARY SEAL

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same

Notary Public

Residing at
 Comm. Expires

Preston, Idaho

11-15-1973

NO. 769832

AMERICAN LAND TITLE CO.

26 APR 17 PM 24

OFFICE OF THE
 CLERK OF THE DISTRICT COURT
 BLAINE COUNTY, IDAHO

INSTRUMENT NO.