

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

RECEIVED

SEP 17 2004

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 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 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, 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
<u>A67-10588</u>					
<u>A67-04084</u>					

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)

OTTO E. & WILLA R. ZINIKER
P.O. Box 279, CAMBRIDGE, IDAHO 83610

4. New Owner/Claimant(s)

DON M. WARREN, SR.

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

New Mailing Address

P.O. Box 17

City, State and ZIP Code

SALYER, CA 95563-0017

New Telephone Number

530 629-4361

5. Date you acquired the property

AUGUST 12, 2004

SCANNED

NOV 01 2004

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)		
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Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Don M. Warren Sr.
(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>sk</u>	Date <u>9-17-04</u>	Fee <u>25⁰⁰</u>
Received by <u>sk</u>	Date <u>9-17-04</u>	Receipt No. <u>W032236</u>
Processed by _____ AJ	Date _____	WR _____ Date _____

ORDINATION REQUESTED BY:

Idaho Banking Company
Construction Department
8850 W. Emerald, Suite 104
Boise, ID 83704

WHEN RECORDED MAIL TO:

Idaho Banking Company
Loan Servicing
PO Box 44629
Boise, ID 83711

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

DEED OF TRUST

THIS DEED OF TRUST is dated August 3, 2004, among Donald M. Warren Sr., a married man as his sole and separate property, whose address is 2116 Campbell Ridge Rd., Salyer, CA 95563 ("Grantor"); Idaho Banking Company, whose address is Construction Department, 8850 W. Emerald, Suite 104, Boise, ID 83704 (referred to below sometimes as "Lender" and sometimes as "Beneficiary"); and Timberline Title & Escrow, Inc., whose address is 204 Illinois Avenue, Council, ID 83612 (referred to below as "Trustee").

CONVEYANCE AND GRANT. For valuable consideration, Grantor does hereby irrevocably grant, bargain, sell and convey in trust, with power of sale, to Trustee for the benefit of Lender as Beneficiary, all of Grantor's right, title, and interest in and to the following described real property, together with all existing or subsequently erected or affixed buildings, improvements and fixtures; all easements, rights of way, and appurtenances; all water, water rights and ditch rights (including stock in utilities with ditch or irrigation rights); and all other rights, royalties, and profits relating to the real property, including without limitation all minerals, oil, gas, geothermal and similar matters, (the "Real Property") located in Adams County, State of Idaho:

See Exhibit A, which is attached to this Deed of Trust and made a part of this Deed of Trust as if fully set forth herein.

The Real Property or its address is commonly known as 1480 U.S. Highway 95, Council, ID 83612. The Real Property tax identification number is RP15N01W103600A

Grantor presently assigns to Lender (also known as Beneficiary in this Deed of Trust) all of Grantor's right, title, and interest in and to all present and future leases of the Property and all Rents from the Property. In addition, Grantor grants to Lender a Uniform Commercial Code security interest in the Personal Property and Rents.

THIS DEED OF TRUST, INCLUDING THE ASSIGNMENT OF RENTS AND THE SECURITY INTEREST IN THE RENTS AND PERSONAL PROPERTY, IS GIVEN TO SECURE (A) PAYMENT OF THE INDEBTEDNESS AND (B) PERFORMANCE OF ANY AND ALL OBLIGATIONS UNDER THE NOTE, THE RELATED DOCUMENTS, AND THIS DEED OF TRUST. THIS DEED OF TRUST IS GIVEN AND ACCEPTED ON THE FOLLOWING TERMS:

GRANTOR'S REPRESENTATIONS AND WARRANTIES. Grantor warrants that: (a) this Deed of Trust is executed at Borrower's request and not at the request of Lender; (b) Grantor has the full power, right, and authority to enter into this Deed of Trust and to hypothecate the Property; (c) the provisions of this Deed of Trust do not conflict with, or result in a default under any agreement or other instrument binding upon Grantor and do not result in a violation of any law, regulation, court decree or order applicable to Grantor; (d) Grantor has established adequate means of obtaining from Borrower on a continuing basis information about Borrower's financial condition; and (e) Lender has made no representation to Grantor about Borrower (including without limitation the creditworthiness of Borrower).

GRANTOR'S WAIVERS. Grantor waives all rights or defenses arising by reason of any "one action" or "anti-deficiency" law, or any other law which may prevent Lender from bringing any action against Grantor, including a claim for deficiency to the extent Lender is otherwise entitled to a claim for deficiency, before or after Lender's commencement or completion of any foreclosure action, either judicially or by exercise of a power of sale.

PAYMENT AND PERFORMANCE. Except as otherwise provided in this Deed of Trust, Borrower shall pay to Lender all Indebtedness secured by this Deed of Trust as it becomes due, and Borrower and Grantor shall strictly perform all their respective obligations under the Note, this Deed of Trust, and the Related Documents.

POSSESSION AND MAINTENANCE OF THE PROPERTY. Borrower and Grantor agree that Borrower's and Grantor's possession and use of the Property shall be governed by the following provisions:

Possession and Use. Until the occurrence of an Event of Default, Grantor may (1) remain in possession and control of the Property; (2) use, operate or manage the Property; and (3) collect the Rents from the Property. The following provisions relate to the use of the Property or to other limitations on the Property. THE REAL PROPERTY EITHER IS NOT MORE THAN FORTY (40) ACRES IN AREA OR IS LOCATED WITHIN AN INCORPORATED CITY OR VILLAGE.

Duty to Maintain. Grantor shall maintain the Property in good condition and promptly perform all repairs, replacements, and maintenance necessary to preserve its value.

Compliance With Environmental Laws. Grantor represents and warrants to Lender that: (1) During the period of Grantor's ownership of the Property, there has been no use, generation, manufacture, storage, treatment, disposal, release or threatened release of any Hazardous Substance by any person on, under, about or from the Property; (2) Grantor has no knowledge of, or reason to believe that there has been, except as previously disclosed to and acknowledged by Lender in writing, (a) any breach or violation of any Environmental Laws,

EXHIBIT 'A'

**Township 15 North, Range 1 West, Boise Meridian, Adams County, Idaho
Section 10: Four parcels within said section described as follows:**

PARCEL 1

**Commencing at the NW corner of the SE1/4NW1/4;
Thence South on the West of said SE1/4NW1/4 (which line is sometimes described in deeds of record as the Quarter Line) a distance of 660 feet to a point;
Thence East at right angles a distance of 150 feet to a point;
Thence Northwesterly a distance of 677 feet, more or less, to the REAL POINT OF BEGINNING.**

PARCEL 2

NE1/4SW1/4NW1/4

PARCEL 3

**A tract of land situated in the SE corner of the NW1/4NW1/4 of said Section 10 particularly bounded and described as commencing at the SE corner of said NW1/4NW1/4 and running
Thence West on and along the South line of said NW1/4NW1/4 a distance of 23 rods (379.5 feet) to the Easterly line of the right-of-way of the former Council-Indian Valley County Road as the same was established over and across said NW1/4NW1/4;
Thence in a Northeasterly direction on and along the Easterly line of the right-of-way of said former Council-Indian Valley County Road a distance of 14 rods (231.0 feet, formerly described as 131.0 feet) to the South concrete pier of the former bridge over Middle Fork of the Weiser River on said Council-Indian Valley County Road;
Thence Easterly along the Southerly bank of Middle Fork of the Weiser River to the East line of said NW1/4NW1/4 of said Section;
Thence South along the East line of said NW1/4NW1/4 4 rods (66.0 feet) more or less to the REAL POINT OF BEGINNING.**

PARCEL 4

**A tract of land described as commencing on the South line of the NW1/4NW1/4 of said Section 10 where the Westerly line of the right-of-way of the former Council-Indian Valley County Road intersects the South line of said NW1/4NW1/4;
Thence West on and along said South line a distance of 3 rods (49.5 feet);
Thence North at right angles a distance of 15 rods (247.5 feet) to the Southerly bank of the Middle Fork of the Weiser River;
Thence East 3 rods (49.5 feet);
Thence South 15 rods (247.5 feet) to the REAL POINT OF BEGINNING.**

TOGETHER WITH a Grant of Easement as described in Instr. No. 93746 for the purpose of ingress and egress.

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

RECEIVED**AUG 30 2004****WATER RESOURCES
WESTERN REGION**

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67-4084		No			

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3. Name and Address of Former Owner/Claimant(s) OTTO EDWIN ZINIKER and WILLA RUTH ZINIKER
1480 Hwy 95, Council, ID 83612
4. New Owner/Claimant(s) DONALD M. WARREN SR.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address P. O. Box 17
 City, State and ZIP Code Salyer, CA 95563
 New Telephone Number () 530-629-4361
5. Date you acquired the property August 11, 2004

SCANNED**NOV 01 2004**

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.

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(include title if applicable) Louise D. Warren

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For Office Use Only DB Date 8-30-04 Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

For Value Received, OTTO EDWIN ZINIKER and WILLA RUTH ZINIKER, husband and wife
the grantors, do hereby grant, bargain, sell and convey unto
DONALD M. WARREN SR., a married man as his sole and separate property
the grantee, whose current address is P.O. Box 17, Salyer CA 95563
the following described premises, in Adams County, Idaho, to-wit:

SEE ATTACHED EXHIBIT 'A' MADE A PART HEREOF.

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantee,
his heirs and assigns forever. And the said Grantors do hereby covenant to and with the
said Grantee, that they are the owners in fee simple of said premises; that they are free
from all encumbrances excepting for all easements of record, rights of way, matters
visible, and all matters of record and title and that they will warrant and defend the
same from all lawful claims whatsoever.

Date: August 5, 2004

Otto Edwin Ziniker
OTTO EDWIN ZINIKER

Willa Ruth Ziniker
WILLA RUTH ZINIKER

Instrument # 106819

COUNCIL, ADAMS, IDAHO

2004-08-13 02:58:00 No. of Pages: 2

Recorded for: TIMBERLINE TITLE & ESCROW

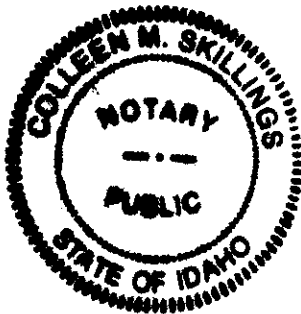
MICHAEL FISK Fee: 6.00

Ex-Officio Recorder Deputy *Michael Fisk*

Index to: DEED

STATE OF Idaho)
COUNTY OF Adams) ss

On this 10th day of August, in the year of 2004, before me, a Notary Public in and for said State, personally appeared
OTTO EDWIN ZINIKER and WILLA RUTH ZINIKER known or identified to me to be the person(s) whose name(s) is/are
subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Colleen M. Skillings
Notary Public

Residing at: Indian Valley

Commission expires: 7/1/2010

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