



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 17, 2003

DAVID O KINGSTON
477 SHOUP AVE, SUITE 207
IDAHO FALLS ID 83402

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 1-10023

Dear Mr. Kingston:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Kristen Forsgren
Office Specialist 1

Enclosure

RECEIVED
SEP 16 2003STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIPRECEIVED
MAY 12 2003

BY: _____

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
	1-10023	—			—
		—			—
		—			—
		—			—
		—			—

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) 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)

W.E. AERINGTON INC

4. New Owner/Claimant(s)

David o Kingston / Kingston Properties LP

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

New Mailing Address

477 Shoup Ave. Suite 207

City, State and ZIP Code

IDAHO FALLS IDAHO 83402

New Telephone Number

208.522-2365

5. Date you acquired the property

7-5-95

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	_____	_____

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

David O. Kingston
Managing Partner

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 _____

FIRST AMERITITI
18359

ORIGINAL IN SAFE
OSGOOD - Arrington
8-03 JK

WARRANTY DEED

For Value Received WOODROW E. ARRINGTON AND MARJORIE ARRINGTON, husband and wife

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

DAVID O. KINGSTON, DBA D & D INVESTMENTS

whose address is: 10971 NORTH YELLOWSTON, UCON, Idaho,

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

See Attached Exhibit A.

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: 7-6-95

Woodrow E. Arrington
Woodrow E. Arrington

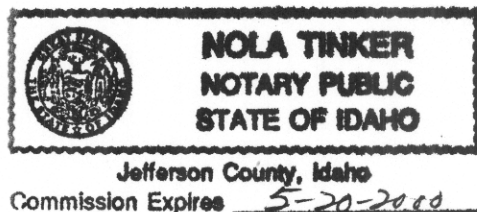
Marjorie Arrington
Marjorie Arrington

STATE OF IDAHO)
COUNTY OF JEFFERSON)

On this 10th day of July 1995, before me, the undersigned a Notary Public in and for said State, personally appeared Woodrow E. Arrington and Marjorie Arrington, known to me to be the persons whose names are subscribed to the within and acknowledged to me that they executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year first above written.

Nola Tinker
Notary Public for the State of Idaho
Residing at: Lewiston
Commission Expires: 5-20-2000



277171
Microfilm No. 10 Day July 19 95
At 9:20 O'Clock A
CONNIE M. KELLER
Jefferson Co., Recorder
Fee \$ 6.00 sk Deputy
Recorded at Request of fals

RECEIVED BY

7-10-95 Time 10:25 a.m.

EXHIBIT A, to be attached to Warranty Deed

TRACT 2:

Township 4 North, Range 37 East of the Boise Meridian, Jefferson County, Idaho

Section 35: Lot 9.

Lot 10, lying North and East of drainage Slough.

EXCEPTING THEREFROM: Any part of the above described property that might prove to be omitted lands or lands not patented by the United States of America.

ALSO EXCEPTING THEREFROM: Any and all right, title and interest of the State of Idaho within the bed of the Snake River below the line of natural high water and also excepting any artificial accretions waterward of said line of high water, if any.

SUBJECT TO THE FOLLOWING:

Easements granted to Utah Power and Light Co., recorded in Book 131 of Misc'l, pages 13, 231, 245 and 269, records of Jefferson County.

Subject to exceptions and reservations contained in the Patent from the United States of America, recorded March 11, 1977, Instrument No. 184576 Jefferson County, Idaho, to-wit:

"1. A right of way thereof for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. An Easement over and across a 100 foot strip parallel to the ordinary high water line of the right bank of the Snake River along the Easterly side of Lot 9 from the original meander corner of Sections 26 and 35 southerly to the headgates of the Great Western Canal, for recreational use by the people of the United States generally and for recreational facilities constructed by the authority of the United States.

3. All coal, oil, gas, oil shale, phosphate, potash, sodium, native asphalt, solid and semi-solid bitumen, and bituminous rock (including oil impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried), together with the right to prospect for, mine, and remove the same, pursuant to Section 3 of the Act of May 31, 1962."

Easement to the United States of America, as evidenced in that certain Patent, recorded March 11, 1977, Instrument No. 184576, records of Jefferson County, Idaho.

Any claim arising from the difference in the mean high water line of the River and the meander line as shown by the Government Survey.

EXCEPTING any and all right, title and interest of the State of Idaho within the bed of the Snake River below the line of natural high water and also excepting any artificial accretions waterward of said line of high water, if any.

WEA msa.

Beginning at a point that is East along the Section line 629.28 feet from the Northwest Corner of Section 35, Township four (4) North, Range 37, East of the Boise Meridian, said point of beginning being N66°45'10"E 154.26 feet, from the center line of the Union Pacific Railroad and running thence S23°-14'50"E 1342.08 feet; thence S65°41'50"E 342.06 feet; thence N85°46'30"E 529.44 feet; thence S56°10'40"E 601.85 feet; thence S19°55'E 549.10 feet; S66°22'10"E 563.17 feet; thence S3°04'40"E 595.86 feet; thence S21°05'20"W 163.98 feet; thence S11°17'20"W 194.67 feet; thence N54°07'40"E 278.97 feet; thence N34°50'50"E 594.10 feet; thence N15-02'20"E 649.37 feet; thence N1°44'E 432.92 feet; thence N31°55'20"E 359.34 feet; thence N71°25'40"E 202.80 feet; thence N86°14'10"E 306.74 feet; thence N26°47'05"E 795.61 feet; thence N29°56'55"E 289.57 feet; thence S81°-04'35"W 134.45 feet; thence N31°21'45"W 362.93 feet; thence West along the section line 4124.17 feet to the point of beginning containing 162.06 acres. Together with 130 inches of water in the Snake River as deeded by the Butte & Market Lake Canal Company.

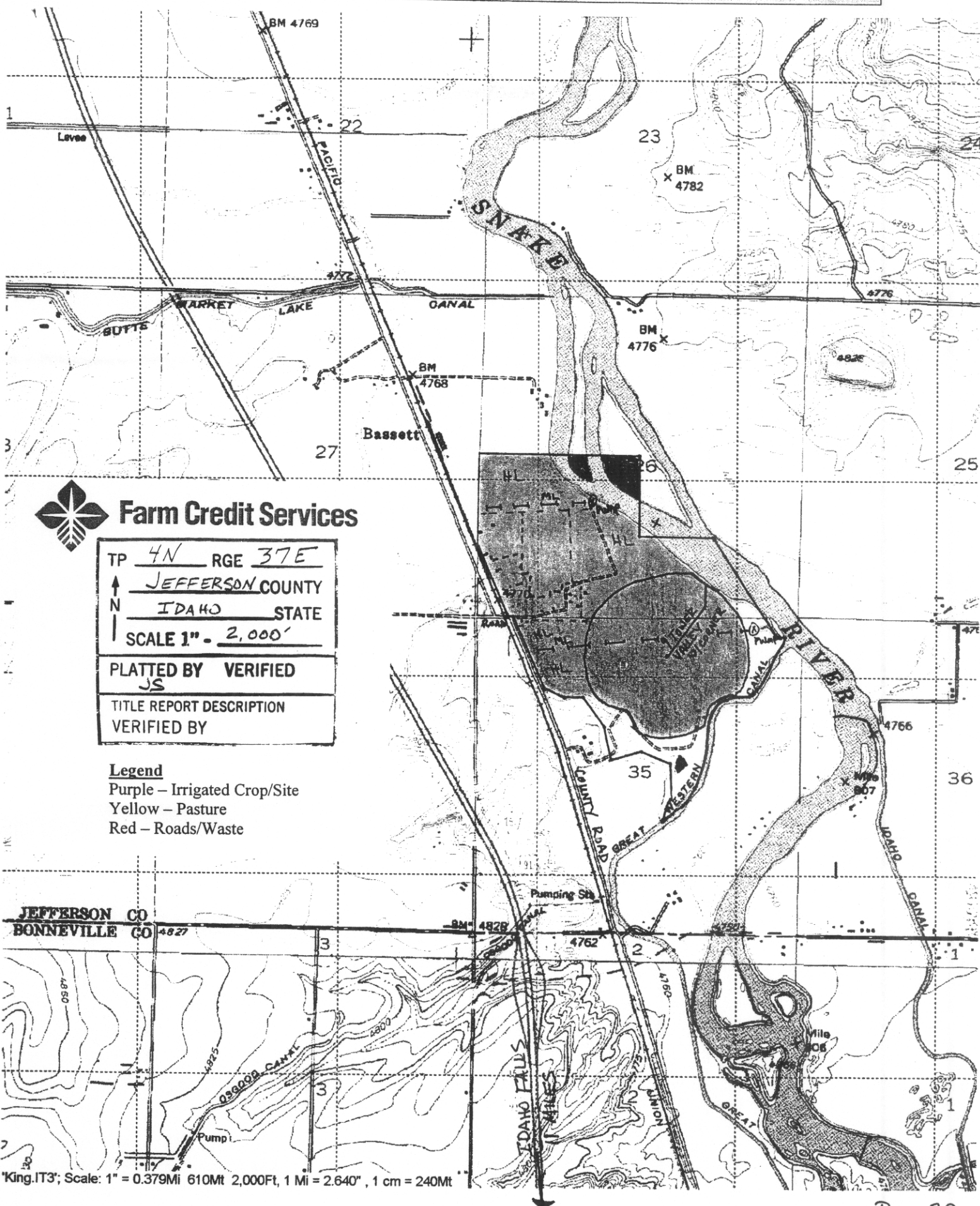
The Southwest Quarter (SW $\frac{1}{4}$), the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$), and Lot Four (4), all in Section Twenty-six (26), Township Four (4) North, Range Thirty-seven (37), East of the Boise Meridian, EXCEPTING therefrom that portion lying West of the Oregon Short Line Railroad Right-of-Way.

8171-6423 100 land about
A 100 ft wide strip of
land about 100 ft wide

Aerial Photograph



Subject Plat Map



Farm Credit Services

TP	4N	RGE	37E
JEFFERSON COUNTY			
IDAHO STATE			
SCALE 1" = 2,000'			
PLATTED BY		VERIFIED	
JS			
TITLE REPORT DESCRIPTION		VERIFIED BY	

Legend

- Purple – Irrigated Crop/Site
- Yellow – Pasture
- Red – Roads/Waste

JEFFERSON CO
BONNEVILLE CO

*King.IT3; Scale: 1" = 0.379Mi 610Mt 2,000Ft, 1 Mi = 2.640", 1 cm = 240Mt