



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

August 24, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RIVERVIEW ONE LLC
C/O KENT FOSTER
PO BOX 50130
IDAHO FALLS, ID 83405

RE: CHANGE IN WATER RIGHT OWNERSHIP FOR RIVERVIEW ONE LLC,
WATER RIGHT NUMBERS 01-04036 AND 35-07904

Dear Sir or Madam:

I am returning the above-mentioned Change in Water Right Ownership form for the correct fees.

Water right number 35-07904 has been partially decreed by the Snake River Basin Adjudication Court and requires a \$25.00 filing fee.

Water right number 01-04036 has been changed to show you as the current owner. A copy of the claim is enclosed for your records.

Please mail the enclosed copy of the Notice of Change of Water Right Ownership form and copy of the deed with a check for \$25.00 made payable to IDWR to:

Id Dept Water Resources
Attn: Kari Lynn Townsend
1301 N Orchard St
Boise ID 83706

If you have any questions regarding this matter feel free to contact this office at 208-525-7161.

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

JK JC
8/21/01

RECEIVED
JUL 24 2001
Department of Water Resources
Eastern Region

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

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

1. Water Right No(s): 01-4036, 35-7904

Adjudication Claim No(s): 01-4036, 35-7904 ~~ad~~ *p.d.*

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** showing the location of the place of use of the water right(s) or claims(s). (These are usually attached to your deed or on file with the county.)

OR

C. If your water rights or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with 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 Monroc, Inc.

Box 51298, Idaho Falls, ID 83405

4. New Owner/Claimant(s) Riverview One, L.L.C.

Name connector (check one): ☐] and ☐] or, ☐] and/or

New Mailing Address P.O. Box 50130

City, State and ZIP Code Idaho Falls, ID 83405

New Telephone Number (208) 523-0620

5. Date you acquired the property March 13, 2001

6. **Did you acquire all of the former owner's property? If you did, skip this item and go to item 7.** If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. 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.

Number of acres you irrigated with this water right _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) Riverview One, L.L.C., by its Member
Or Claimant(s) *Allen Ball*

Trustee of the Allen Ball and Connie Ball Living Trust

Corporations or other organizations must submit list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attached 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.

CORPORATION LIMITED WARRANTY DEED

THIS INDENTURE is made this 14 day of March, 2001, by MONROC, INC., a Delaware corporation, the "Grantor", and RIVERVIEW ONE LLC, an Idaho limited liability company, whose mailing address is 5465 South 5th West, Idaho Falls, Idaho 83404, the "Grantee".

WITNESSETH:

That the Grantor having been duly authorized by resolution of its Board of Directors, for and in consideration of the sum of TEN DOLLARS (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the Grantee's successors and assigns forever, all of the following property in the County of Bonneville, State of Idaho, described on Exhibit "A" hereto.

SUBJECT to all real property taxes and assessments, all existing patent reservations, all applicable zoning ordinances, building codes, laws and regulations, and all encroachments, overlaps, boundary line disputes, claims of easements and other matters that would be disclosed by an accurate survey or inspection of the property and the Permitted Encumbrances listed on Exhibit "B" hereto.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD the property and the appurtenances unto the Grantee, and to the Grantee's successors and assigns forever. The Grantor and the Grantor's successors shall warrant and defend the property in the quiet and peaceable possession of the Grantee and the Grantee's successors and assigns, against all claims arising by, under or through the Grantor and the Grantor's successors.

WITNESSETH FURTHER that the Grantor having been duly authorized by resolution of its Board of Directors, for and in consideration of the sum of TEN DOLLARS (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor and hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these presence remise, release and forever quitclaim unto the Grantee, and to the Grantee's successors and assigns forever, any other property now owned by the Grantor in Sections 24, 25 and 26, Township 2 North, Range 37 East, of the Boise



40450

Exhibit "A"
Legal Description

Parcel No. 1

Part of the South 1/2 of Section 24 and the West 1/2 of Section 25 and the SE 1/4 of Section 26, Township 2 North, Range 37 East, Bonneville County, Idaho described as: (Basis of Bearing is the City of Idaho Falls Base)

Beginning at a point that is N 89°25'52" E 13.21 feet along the section line from the South 1/4 Corner of said Section 24 and running thence N 8°00'00" W 17.54 feet; thence S 80°25'29" W 492.52 feet; thence S 22°25'29" W 320.00 feet; thence S 11°25'29" W 118.00 feet; thence N 30°34'31" W 310.00 feet; thence N 80°34'31" W 90.00 feet; thence S 26°25'29" W 550.00 feet; thence S 35°25'29" W 390.00 feet; thence S 0°25'29" W 388.49 feet; thence N 86°50'10" E 45.79 feet; thence S 20°32'20" W 132.89 feet; thence S 0°25'29" W 334.78 feet; thence N 86°50'25" E 813.21 feet to the west bank of said Snake River; thence S 22°04'02" W 1054.25 feet along said west bank; thence West 53.44 feet to the west line of Milligan Road; thence S 06°06'40" W 11.77 feet; thence S 19°01'33" W 196.79 feet along said west line of Milligan Road; thence S 30°21'48" W 349.97 feet along said west line; thence S 53°39'48" W 867.71 feet along said west line; thence S 69°09'06" W 134.29 feet along said west line; thence N 47°06'33" E 85.49 feet; thence N 43°06'33" E 223.02 feet; thence N 44°40'27" W 443.36 feet; thence N 89°40'27" W 536.17 feet to the west line of Section 25; thence N 0°40'44" E 522.35 feet along the section line to the West 1/4 Corner of said Section 25; thence N 0°40'44" E 2637.20 feet along the section line to the NW corner of said Section 25; thence N 86°51'42" E 155.18 feet along the section line to the south easterly bank of the Porter Canal; thence along said bank the following nine (9) courses: (1) thence S 5°21'26" W 107.71 feet; (2) thence S 4°20'59" E 167.23 feet; (3) thence S 3°07'22" E 237.55 feet; (4) thence S 3°05'39" E 168.30 feet; (5) thence S 13°39'16" E 188.33 feet; (6) thence S 0°43'31" E 136.15 feet; (7) thence S 8°48'11" W 88.36 feet; (8) thence S 14°56'16" W 97.34 feet; (9) thence S 4°46'22" E 51.70 feet along said bank; thence N 86°51'42" E 270.82 feet; thence N 9°51'42" E 550.50 feet thence N 71°51'42" E 120.00 feet; thence N 41°51'42" E 140.00 feet; thence N 3°08'18" W 565.00 feet to the north line of said Section 25; thence N 86°51'42" E 585.00 feet along said section line; thence N 0°25'29" E 823.38 feet to the south bank of the Porter Canal; thence along said south bank the following twelve courses: (1) thence N 79°29'07" E 392.13 feet; (2) thence N 75°57'55" E 175.87 feet; (3) thence N 76°01'22" E 50.73 feet; (4) thence N 75°12'53" E 95.37 feet; (5) thence N 86°42'27" E 403.91 feet; (6) thence N 87°30'09" E 130.83 feet; (7) thence N 85°51'48" E 299.59 feet; (8) thence N 85°18'42" E 217.50 feet; (9) thence N 85°21'27" E 205.93 feet; (10) thence N 71°22'34" E 67.88 feet; (11) N 64°38'38" E 57.12 feet; (12) thence N 61°14'12" E 171.67 feet along said southerly line of the Porter Canal to the southerly right-of-way line

of Pancheri Drive; thence S $53^{\circ}10'34''$ E 178.57 feet along said southerly right-of-way line to a point of curve; thence to the right along said curve 41.61 feet (Curve Data $D = 95^{\circ}21'30''$ $R = 25.00$) chord bears S $5^{\circ}29'49''$ E 36.97 feet along the westerly right-of-way line of Milligan Road; thence S $42^{\circ}10'56''$ W 102.66 feet to a point of curve; thence to the left along said curve 38.06 feet (Curve Data $D = 5^{\circ}04'18''$ $R = 430.00$ feet) chord bears S $39^{\circ}38'47''$ W 38.05 feet along said westerly line of Milligan Road; thence S $37^{\circ}06'38''$ W 320.27 feet along said westerly line to a point of curve; thence to the left along said curve 29.68 feet (Curve Data $D = 3^{\circ}57'16''$ $R = 430.00$ feet) chord bears S $35^{\circ}08'00''$ W 29.67 feet along said westerly line; thence S $33^{\circ}09'22''$ W 283.54 feet along said westerly line; thence S $56^{\circ}50'38''$ E 5.00 feet to the westerly line of Milligan Road; thence S $30^{\circ}43'37''$ W 383.83 feet along said westerly line; thence S $26^{\circ}54'27''$ W 13.85 feet along said westerly line to the south line of said Section 24; thence S $89^{\circ}25'52''$ W 374.63 feet along said section line to the point of beginning.

Also a parcel described as:

Beginning at a point that is N $89^{\circ}25'52''$ E 445.28 feet along the section line from the South 1/4 Corner of said Section 24 and running thence N $30^{\circ}43'07''$ E 365.67 feet along the easterly right of way of Milligan Road; thence S $56^{\circ}50'38''$ E 50.58 feet to the west bank of the Snake River; thence S $31^{\circ}56'14''$ W 337.24 feet along said west bank to the south line of said Section 24; thence S $89^{\circ}25'52''$ W 50.74 feet along said south line to the point of beginning.

Exhibit "B"

Permitted Encumbrances

1. 2001 taxes are an accruing lien, not yet due and payable. Taxes which may be assessed and entered on the property roll for 2001 with respect to new improvements and first occupancy, which may be included on the regular property, which are an accruing lien, not yet due and payable.
2. Liens, Levies and assessments of the New Sweden Irrigation District and the rights, powers and easements of said District as by law provided.
3. Reservations in United States Patent, recorded in Book Z of Deeds, Page 505 (Portion of Parcel 1) and Book F of Deeds, Page 185 (Portion of Parcel 1).
4. Any claim arising from the difference in the mean high water line of the Snake River and the meander line as shown by the Original Government Survey. Parcel 1
5. Right, title and interest of the State of Idaho within the natural bed of the Snake River below the ordinary high water line, and also excepting any artificial accretions waterward of said ordinary high water line. Parcel 1
6. Easement granted to Utah Power and Light Company as disclosed by Instrument recorded in Book 3 of Miscellaneous at page 288 on July 11, 1921. Parcel 1
7. Subject to Right of Way Easements for Utah Power and Light Company as reserved in Deed recorded January 19, 1938, in Book 39 of Deeds on page 79. Parcel 1
8. Subject to a 30 foot wide roadway and utility easement, as set forth in that certain Deed recorded September 16, 1985, Recorder's No. 691050. Parcel 1
9. An Easement Agreement recorded June 21, 1974, as Recorder's No. 464445, records of Bonneville County, Idaho, Maude C. Lyon as Grantor and the City of Idaho Falls, as Grantee. Parcel 1
10. Subject to the terms and provisions contained in Pump Agreement, recorded June 25, 1974, Recorder's No. 464726, records of Bonneville County, Idaho. Parcel 1
11. Easement for access to maintain and grade fill as set forth in Eminent Domain Agreement, dated August 14, 1970, executed by Bonneville County, a political

B *TH*

subdivision of the State of Idaho, and Ready to Pour Concrete, Inc., an Idaho corporation. Parcel 1

12. Lack of a right of access to and from a portion of Parcel 1 described as follows:

Part of the South $\frac{1}{2}$ of Section 24, Township 2 North, Range 37 East, Bonneville County, Idaho described as: (Basis of Bearing is the City of Idaho Falls Base)

Beginning at a point that is N 89°25'52" E 445.28 feet along the section line from the South 1/4 Corner of said Section 24 and running thence N 30°43'07" E 365.67 feet along the easterly right of way of Milligan Road; thence S 56°50'38" E 50.58 feet to the west bank of the Snake River; thence S 31°56'14" W 337.24 feet along said west bank to the south line of said Section 24; thence S 89°25'52" W 50.74 feet along said south line to the point of beginning.

INSTRUMENT NO.	104318
DATE	3-14-01
INST. CODE	235
IMAGED PGS	6
FEE	18.00
STATE OF IDAHO) COUNTY OF BONNEVILLE) ss	
I hereby certify that the within instrument was recorded.	
Ronald Longmore, County Recorder	
By	LEF Berra Deputy
Request of	FAYCO

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