

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

D E LOG RM 11-19-04
RECEIVED
NOV 19 2004
 Department of Water Resources
 Eastern 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 (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
	25-7193A				

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) David and Dalene Nickelson
4. New Owner/Claimant(s) Dalene Nickelson
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 542 E Greenway
- City, State and ZIP Code Idaho Falls ID 83404
- New Telephone Number (208) 522 1696
5. Date you acquired the property 2/24/00

BY SIGNING BELOW, Borrower accepts and agrees to the terms and covenants contained in this Security Instrument and in any rider(s) executed by Borrower and recorded with it.

Witnesses:

Dalton & Kuhl

(Seal)

- Borrower

Dalene C Nickelson

Social Security Number

(Seal)

- Borrower

Social Security Number

(Seal)

- Bopower

Social Security Number

(Seal)

- Вспомогат.

Social Security Number

—[Space Below This Line For Acknowledgment]

STATE OF Idaho

SS.

County of Bonneville

On this 26th day of March, 2003, before me, the undersigned, a Notary Public in and for said County, personally appeared Dalene C Nickelson, an unmarried person

known or proved to me to be the person(s) who executed the foregoing instrument, and acknowledged to me that he/she/they executed the same.

In witness whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public residing at: Idaho Falls, ID

Comm. Exp. 6-14-08

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)

Adrian C. Huels

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 _____

Prepared by and When Recorded Return To:

Mortgage Department
Bank of Idaho
399 North Capital Avenue
Idaho Falls, Idaho 83402

-----[Space Above This Line For Recording Data]-----

LOAN NO. 15067521

DEED OF TRUST

DEFINITIONS

Words used in multiple sections of this document are defined below and other words are defined in Sections 3, 11, 13, 18, 20 and 21. Certain rules regarding the usage of words used in this document are also provided in Section 16.

(A) "Security Instrument" means this document, which is dated **MARCH 26, 2003**, together with all Riders to this document.

(B) "Borrower" is
Dalene C Nickelson, an unmarried person

Borrower is the trustor under this Security Instrument.

(C) "Lender" is

BANK OF IDAHO

Lender is a Corporation

Idaho

399 N. CAPITAL AVE.

IDAHO FALLS, ID 83402

Lender is the beneficiary under this Security Instrument.

(D) "Trustee" is Idaho Title and Trust

(E) "Note" means the promissory note signed by Borrower and dated
The Note states that Borrower owes Lender

organized and existing under the laws of

Lender's address is

MARCH 26, 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Effective July 1, 2000, the Idaho Legislature amended Section 42-248, Idaho Code to include a provision for fees to file a Notice of Change in Water Right Ownership. Please see details at Item 8, below, to determine if fees are required for your filing.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, **the seller should be able to provide you with the water right or adjudication claim number(s).** Please enter the number(s) at **Item 1.** Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. **Do not** obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner/claimant(s) of the water right(s) at **Item 3.**
4. The name, mailing address, and telephone numbers of the new owner/claimant(s) is entered at **Item 4.** Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.

STATE OF IDAHO)
) ss.
County of Bonneville)

On the 18th day of FEBRUARY in the year of 2000, before me, the undersigned, a Notary Public, in and for the State of Idaho, personally appeared DAVID NICKELSON, 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 my official seal, the day and year in this certificate first above written.

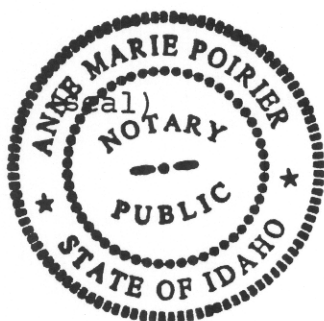
(seal)

Jodi Rinnick
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 6-8-04

STATE OF IDAHO)
) ss.
County of Bonneville)

On the 6th day of FEBRUARY in the year of 2000, before me, the undersigned, a Notary Public, in and for the State of Idaho, personally appeared DALENE NICKELSON, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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



Anne Marie Poirier
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 04/27/2004

6. You may have purchased only a portion of the water right(s) held by the seller. If this 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. For each water right requiring a split between owners, fill in the appropriate spaces in the box(es) at **Item 6**. Copy the page as many times as necessary to fully describe each water right after the change. Include documentation as necessary to describe nonstandard agreements or arrangements regarding division of the water right(s). **If the water right(s) will not be split, skip Item 6 and go to Item 7.**
7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. If an "and" connector is used at Item 4, all parties must sign this form. If an "and/or" or "or" connector is used, all parties may sign; however, only one of the named parties is required to sign. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.
8. The Legislature has waived the fee to file a Notice of Change in Water Right Ownership for any water right pending in a general water right adjudication such as the Snake River Basin Adjudication. This waiver ends when a partial decree is issued for the water right that has been claimed. For water rights not pending in a general adjudication, the filing fee is \$25 per water right, except for those water rights which will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right to be divided. When complete, you should retain a copy and return the original form to the IDWR office nearest you:

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 769-1450

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

payments and all taxes associated with the division of property.

Scott W. Marotz, attorney for Wife, and John Radin, attorney for Husband, do not hold themselves out as being experts in tax-related matters and, therefore, have recommended that the parties obtain competent tax advice from an independent source. By execution hereof, the parties have acknowledged such recommendation and, if they so desired, have sought and obtained advice with regard to matters of concern to them, as contemplated herein.

THIS STIPULATION IS MADE AND ENTERED INTO freely and voluntarily by both parties, each being free from any duress or influence on the part of the other, and each fully understanding the terms, conditions and provisions hereof, and believing those terms to be fair, adequate and reasonable.

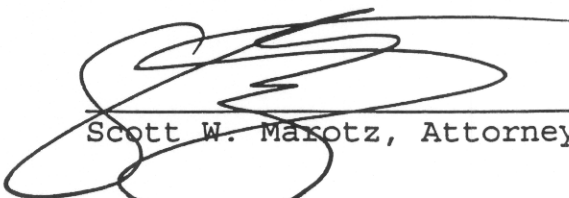

David Nickelson, Plaintiff

Dated: 2/18/00


Dalene Nickelson, Defendant

Dated: 2/6/2000

APPROVED AS TO FORM AND CONTENT:


Scott W. Marotz, Attorney for Defendant


John Radin, Attorney for Plaintiff

state and federal income tax purposes.

Husband and Wife agree to execute Internal Revenue Service Form 8332 or any other forms required by the Internal Revenue Service each year. Wife shall meet her obligations for child support and medical expenses for the tax year in question or her claim for exemption shall be forfeited to Husband.

10. **Income Taxes.** Husband and Wife agree to file joint tax returns for 1999. Each shall receive one-half (½) of any refund from such returns and shall share equally in any liability for any tax due on such returns.

11. **Division of Property.**

A. **Real Property.**

(1) Husband and Wife are owners of certain community real property and a residence situated thereon. Specifically the real property and residence are located at 542 E. Greenway St., Idaho Falls, Idaho. Wife shall be awarded the real property and residence subject to all encumbrances. Wife also agrees to either sale or refinance said house and property out of Husband's name within one (1) year from the dates a Decree of Divorce is signed in this matter.

B. **Personal Property.**

(1) Husband shall be awarded his 401K plan, miscellaneous personal belongings and effects currently in his