

DELOG
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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.

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
	25-2105B				
	25-2116A				
	25-2124B				
	25-14123				

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)

Clyde Cook

4. New Owner/Claimant(s)

Foster

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

P.O. Box 308

City, State and ZIP Code

Rigby, Idaho 83442

New Telephone Number

(208) - 538-5170

5. Date you acquired the property

RECEIVED

DEC 08 2004

Department of Water Resources
Eastern Region

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)

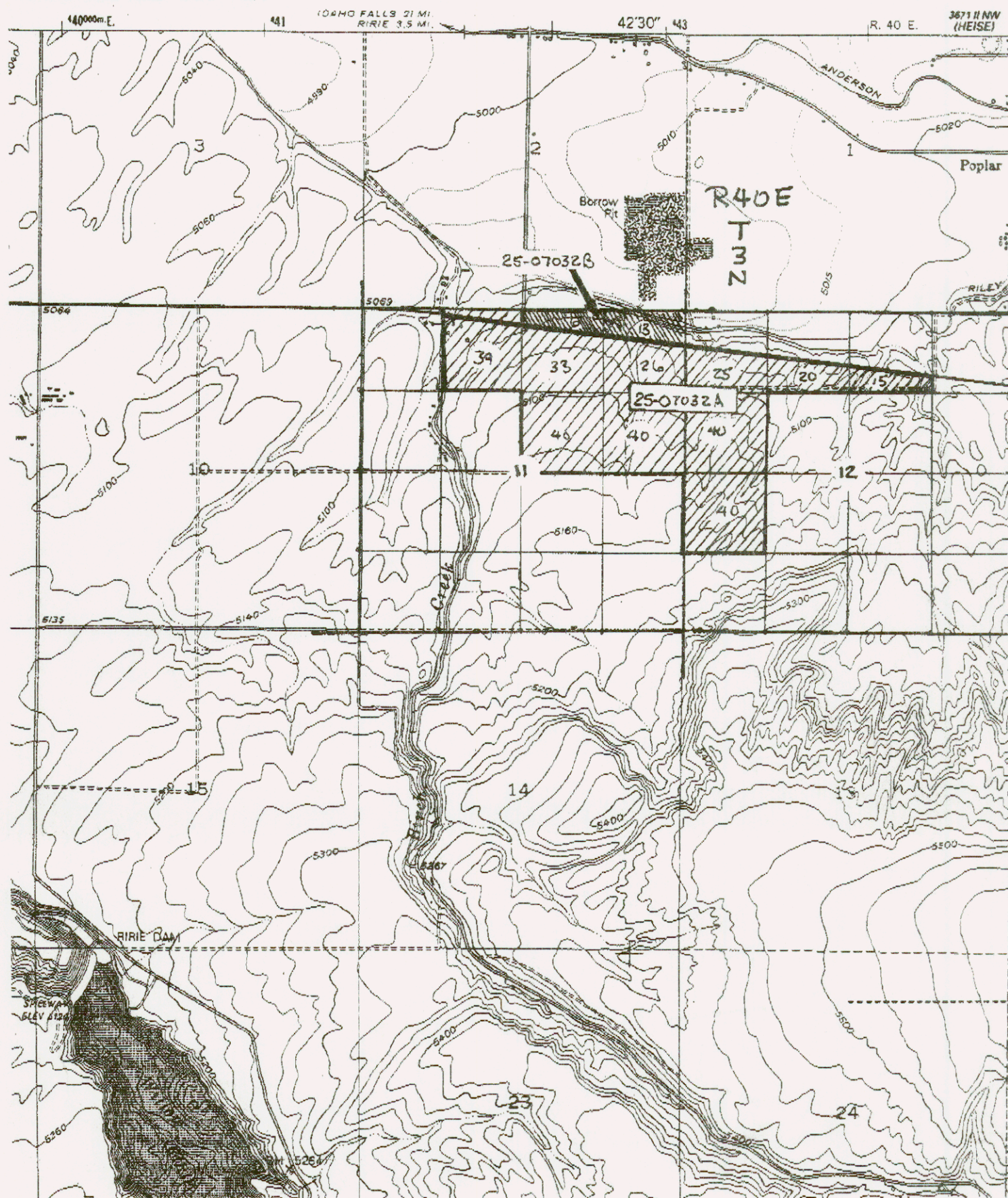
For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

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

RECEIVED
DEC 8 2001
Department of Water Resources
Snake River Basin

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



WARRANTY DEED

807 7-13110

971047

THIS INDENTURE, made this 17th day of June, 1998, between CLYDE A. COOK and LARAE L. COOK, his wife, of 210 East Ririe Highway, Ririe, Jefferson County, Idaho, the Grantor, and FOSTER COMPANY a partnership consisting of BRAD FOSTER and BOYD FOSTER as General Partners, of P.O. Box 308, Rigby, Jefferson County, State of Idaho, the Grantee,

WITNESSETH, that the said Grantor, for and in consideration of the sum of Ten and no/100 Dollars (\$10.00), lawful money of the United States of America, and other good and valuable considerations, to 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 and convey and confirm unto the said Grantee, and to Grantee's heirs and assigns, forever, all the following described real estate situated in the County of Bonneville, State of Idaho, to-wit:

SEE ATTACHED EXHIBIT A

Together with all the pumps, well, mainline, and irrigation equipment appurtenant to the property including but not limited to Pump # 4-231, Layne and Bowler, US Electric motor, hollow shaft, Identification No. 1381443 and 100 horsepower US Electrical Layne and Bowler pump, Identification No. 954629; water rights with identification nos. 25-07032A, 25-021163, and 25-021164.

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

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever. And the said Grantor, and said Grantor's heirs shall and will warrant and by these presents forever defend the said premises in the quiet and peaceable possession of the said Grantee, and Grantee's heirs and assigns, against the said Grantor, and Grantor's heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same.

IN CONSTRUING this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the said Grantor hereunto has set his hand.

CLYDE A. COOK
STATE OF IDAHO
County of Jefferson

INSTRUMENT NO. 971047
DATE 6-19-98
INST. CODE 205
FICHE NO. 12402-3
LARAE L. COOK
PRE

STATE OF IDAHO
COUNTY OF BONNEVILLE

I hereby certify that the within instrument was recorded.

Ronald L. [unclear]
County Clerk

BONNEVILLE COUNTY
RECORDER
JUN 19 PM 4 52

971047

On this 17th day of June, 1998 before me, the undersigned, a Notary Public in and for said State; personally appeared CLYDE A. COOK and LARAE L. COOK, known to me to be the persons whose names are subscribed to the within instrument, 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 in this certificate first above written.

[Signature]
Notary Public for Idaho
Residing at:
Commission Expires:

(seal)

NOTARY PUBLIC
LENORE J. KATRI
STATE OF IDAHO
Residing at Idaho Falls, Idaho
My Commission Expires Jan. 28, 2003

PARCEL 1:

Township 3 North, Range 40 East, Boise Meridian, Bonneville County, Idaho.

Section 11: All that part of the NE1/4 and of the NE1/4 NW1/4, lying and being South of the U.S. Highway No. 26. Said real property including the irrigation well found thereon.

EXCEPTING THEREFROM:

A parcel of land located in the NE1/4NW1/4 of said Section 11 described as follows: Beginning at a point on the South right of way line of Highway No. 26 where the West boundary of the NE1/4NW1/4 of Section 11 intersects said right of way and running thence South 250 feet more or less, to a point which is located directly West of a domestic well, running thence East 250 feet through the center of said well to a point 53 feet East of said well, thence North 210 feet, more or less, to the South right of way line of Highway No. 26, thence in a Northwesterly direction along said Highway right of way 250 feet, more or less, to the point of beginning.

That certain property conveyed to Bonneville County for roadway purposes by that certain Clyde A. and LaRae L. Cook, husband and wife, recorded as Instrument No. 763734 on March 7, 1989 at 10:59 a.m., records of Bonneville County, Idaho.

PARCEL 2:

Township 3 North, Range 40, East of the Boise Meridian, Bonneville County, Idaho.

Section 12: Beginning at the SW corner of said Section, thence East along the Section line 750 feet, thence N 30°40' E 465 feet, thence N 70°50' E 682 feet, thence N 36° 20' E 250 feet, thence N 80°50' E 640 feet, thence N 40° E 520 feet, more or less to the NE corner of the S1/2 SW1/4 of said Section, thence West along the Sixteenth line 2640 feet, more or less, to the NW corner of the S1/2 SW1/4, thence South along the Section line 1320 feet to the point of beginning. Excepting therefrom any highway or county road right of ways.

PARCEL 3:

Township 3 North, Range 40, East of the Boise Meridian, Bonneville County, Idaho

Section 12: SW1/4 NW1/4.
NW1/4 SW1/4.
All those portions of the N1/2 NW1/4 and NW1/4 NE1/4 lying and being South of U.S. Highway 26. EXCEPTING THEREFROM ANY highway or county road rights-of-way, apparent or inherent.



SUBJECT TO THE FOLLOWING LIENS AND ENCUMBRANCES:

- (a) Pole Line Easements given by ARNOLD WHEELER and ETTA J. WHEELER, husband and wife, to UTAH POWER AND LIGHT CO., a corp., dated January 23, 1946 and recorded in Book 6 of Leases and Contracts at page 37, on March 20, 1946, records of Bonneville County, Idaho.
- (b) Easement given by JOHN A. WHEELER and VORIS M. WHEELER, husband and wife, to UTAH POWER AND LIGHT CO., a corp., dated January 31, 1974, and Microfilmed as Instrument No. 462180 on May 8, 1974 at 10:47 a.m., records of Bonneville County, Idaho.
- (c) Pole Line Easement given by JOHN A. WHEELER and VORIS M. WHEELER, husband and wife, party of the first part to UTAH POWER AND LIGHT COMPANY, party of the second part, and recorded as Instrument No. 400632 on September 26th, 1969, records of Bonneville County, Idaho. (Affects Tract 1)
- (d) Easement given by CLYDE A. COOK and LARAE L. COOK, his wife, party of the first part to PACIFICORP, an Oregon Corporation dba UTAH POWER & LIGHT COMPANY, part of the second part, dated January 23rd, 1990, and recorded as Instrument No. 780425 on January 25, 1990 at 11:37 a.m., records of Bonneville County, Idaho.
- (e) Liens and assessments which are or may become a lien against said premises by virtue of its inclusions within the boundaries of the Poplar Irrigation District.
- (f) Conditions and Restrictions as described in that certain Warranty Deed with JOHN A. WHEELER, VORIS M. WHEELER and ETTA TIRRELL WHEELER, husband and wife, as Grantors, and STATE OF IDAHO, as Grantees, dated March 18th 1968, and recorded as Instrument No. 385535 on May 9, 1968 at 2:26 p.m. records of Bonneville County, Idaho.
- (g) Conditions and Restrictions as described in that certain Warranty Deed with JENNETH C. WHEELER, as his sole and separate property and ETTA TIRRELL WHEELER, a widow, as Grantors, and STATE OF IDAHO, as Grantees, dated March 18th, 1968, and recorded as Instrument No. 385537 on May 9, 1968 at 2:29 p.m., records of Bonneville County, Idaho.

COMMITMENT FOR TITLE INSURANCE

ORIGINAL IN
SAFETY DEPOSIT BOX

SCHEDULE A

BLAIR GROVER
GROVER AND ARCHIBALD
215 FARNSWORTH WAY
RIGBY ID 83442

Order No. T-13110

td

Additional Copies to:

Lynn Powell - Foster Land
P.O. Box 308
Rigby ID 83442

1. Effective Date: July 10, 1997 at 5:00 p.m.

2. Policy or Policies to be issued:

Amount:

Premium:

A. ALTA Owners Standard Coverage Policy (10/17/92)

TBAC

Proposed Insured:

CLYDE A. COOK aka CLYDE COOK and LARAE L. COOK aka LARAE
COOK, husband and wife

B.

3. The estate or interest in the land described or referred to in this Commitment and covered is: **Fee Simple.**

4. Title to the estate or interest in said land is at the effective date hereof vested in:

FOSTER COMPANY, a partnership

5. The land referred to in this Commitment is described as follows:

Township 3 North, Range 41, East of the Boise Meridian, Bonneville County, Idaho:

Section 5: Government Lot 2;

Section 6: NE1/4 SW1/4;
N1/2 SE1/4;
S1/2 NE1/4;

AND ALSO: Beginning at the West Quarter corner of said Section 6, Township 3 North, Range 41 East of the Boise Meridian, Bonneville County, Idaho; running thence East 525 feet to the TRUE POINT OF BEGINNING; thence South 270 feet, more or less, to the East bank of the Riley Canal; thence South along said East bank of the aforementioned Riley Canal to the South line of Lot 6; thence East to the Southeast Corner of said Lot 6; thence North to the Northeast Corner of said Lot 6; thence West to the true point of beginning.

EXCEPTING THEREFROM ALL OF THE FOLLOWING DESCRIBED PROPERTIES:

- a. All of the South Half of the Northeast Quarter (S1/2 NE1/4) of Section 6, Township 3 North, Range 41 East of the Boise Meridian, Bonneville County, Idaho, lying North of the Riley Canal.
- b. Beginning at a point 525 feet East of the West Quarter Corner of Section 6, Township 3 North, Range 41 East of the Boise Meridian, Bonneville County, Idaho; thence South 285 feet; thence East 375 feet; thence North 285 feet; thence West 375 feet, more or less, to the point of beginning.

- c. That certain property conveyed to Bonneville County for roadway purposes by that certain Quitclaim Deed recorded in Book 7 at Page 154 of Deed Records, records of Bonneville County, Idaho.

COMMITMENT FOR TITLE INSURANCE

SCHEDULE B - SECTION 2

Page 1

Order No. T-13110

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company.

- A. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records, or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
- B. **General Exceptions:**
1. Rights or claims of parties in possession not shown by the public records.
 2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
 3. Easements, or claims of easements, not shown by the public records.
 4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
 5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
 6. Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices for such proceedings, whether or not shown by the records of such agency or by the public records.
- C. **Special Exceptions**
1. Taxes for the year 1996 and all prior taxes have been paid.
(Tax No. RP03N411E055409 \$34.58 full year, 1996).
(Tax No. RP03N411E067201 \$195.44 full year, 1996).
(Tax No. RP03N411E065449 \$1,048.30 full year, 1996).
(Tax No. RP03N411E067489 \$189.66 full year, 1996).
(Tax No. RP03N411E061979 \$188.54 full year, 1996).
(Tax No. RP03N411E064823 \$8.06 full year, 1996).
(Tax No. RP03N411E065401 \$0.94 full year, 1996).
Taxes for the year 1997 are an accruing lien, not yet due or payable.
 2. Any lack of a right of access to and from Section 5 except as may be obtained through contiguous property.
 3. Pole Line Easement given by GLEN BYINGTON and JOE ANN BYINGTON, his wife, parties of the first part to UTAH POWER & LIGHT COMPANY, a corporation, its successors in interest and assigns, party of the second part, dated July 31, 1955, and recorded in Book 15 at Page 109 of Leases and Contracts, records of Bonneville County, Idaho.
 4. Pole Line Easement given by PARLEY BYINGTON, party of the first part to UTAH POWER & LIGHT COMPANY, a corporation, its successors in interest and assigns, party of the second part, dated July 7, 1955, and recorded in Book 15 at Page 110 of Leases and Contracts, records of Bonneville County, Idaho.
 5. Pole Line Easement given by LARRY DOUGLAS BYINGTON and SHIRLEY BYINGTON, his wife, parties of the first part to UTAH POWER & LIGHT COMPANY, a corporation, its successors in interest and assigns, party of the second part, dated July 27, 1955, and recorded in Book 15 at Page 111 of Leases and Contracts, records of Bonneville County, Idaho.
 6. Real Estate Mortgage given by ALLAN M. COOK to MURRY I. BYINGTON and AUDREY BYINGTON,

COMMITMENT FOR TITLE INSURANCE

SCHEDULE B - SECTION 2

Page 2

Order No. T-13110

husband and wife, dated February 21, 1997, and recorded as Instrument No. 937356 on February 21, 1997, given to secure the payment of \$324,000.00 and interest (and future advances if provided for in the Mortgage), due February 21, 2012, records of Bonneville County, Idaho.

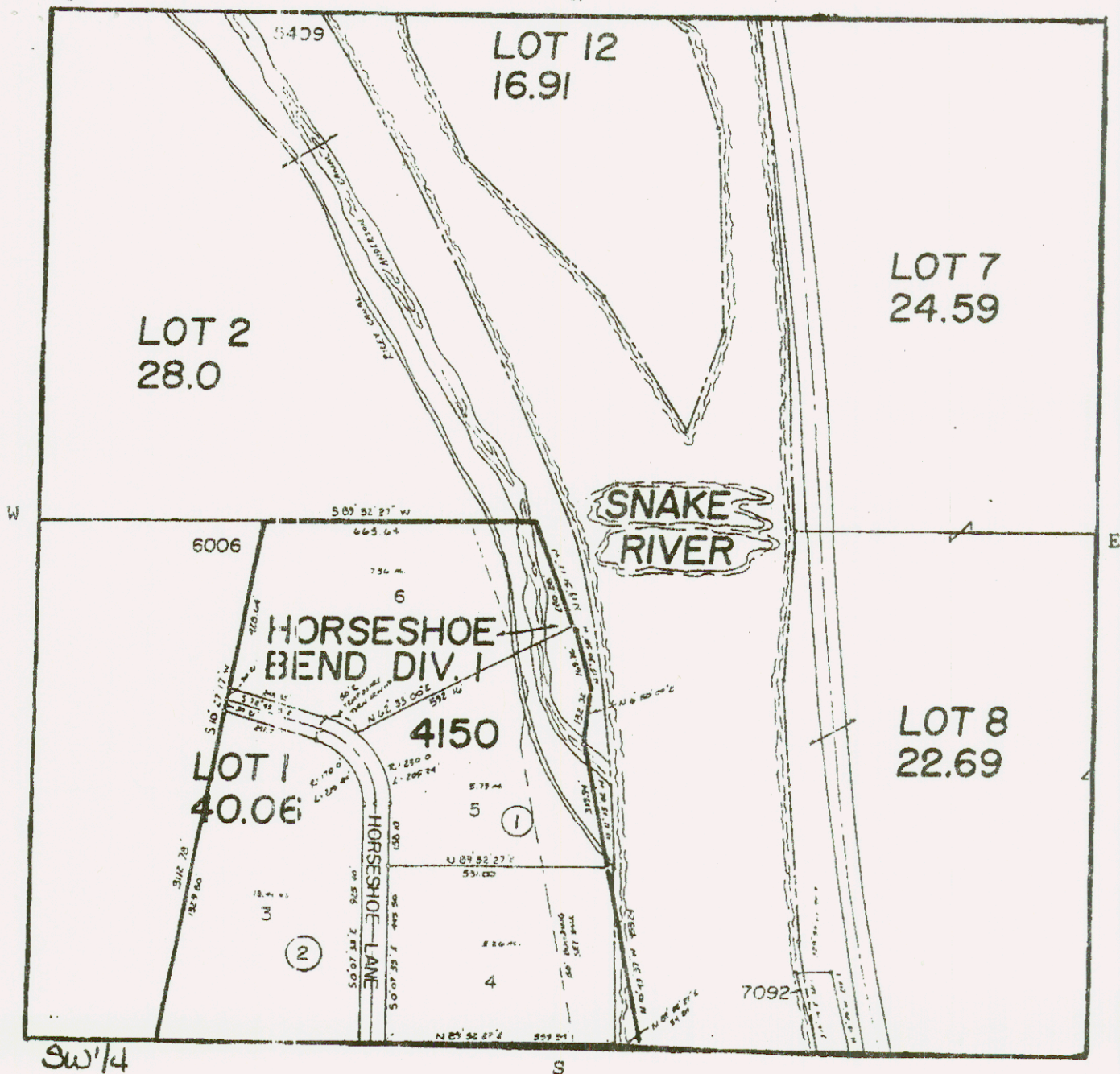
Financing Statement as evidenced by that certain Real Estate Mortgage described in Exception (7) below.

7. Financing Statement with ALLAN M. COOK as Debtor(s), and MURRY I. BYINGTON and AUDREY BYINGTON as Secured Party, recorded as Instrument No. 937357 on February 21, 1997 at 4:45 p.m., records of Bonneville County, Idaho.
8. Reciprocal Water Usage Agreement by and between MURRY IRVING BYINGTON a/k/a MURRY I. BYINGTON a/k/a MURRY BYINGTON aka MURRAY I. BYINGTON a/k/a MURRAY BYINGTON and AUDREY MARY BYINGTON a/k/a AUDREY W. BYINGTON a/k/a AUDREY BYINGTON, husband and wife, and ALLAN M. COOK, dated February 21, 1997 and recorded as Instrument No. 937358 on February 21, 1997 at 4:45 p.m., records of Bonneville County, Idaho.
9. ASSUMPTION by and between MURRAY I. BYINGTON AND AUDREY BYINGTON and ALLAN M. COOK and FOSTER COMPANY, a partnership (assuming party), and recorded as Instrument No. 939224 on March 26, 1997 at 2:38 p.m., records of Bonneville County, Idaho. (Affects Exceptions No. 6 and 7, above)
10. Rights of the State of Idaho and/or the United States of America, in and to that portion of said land, if any, lying in the bed or former bed of the Snake River.

----- END OF SCHEDULE B -----

NOTE: The Bonneville County Assessor's Office does not reflect an address for the subject property.

N



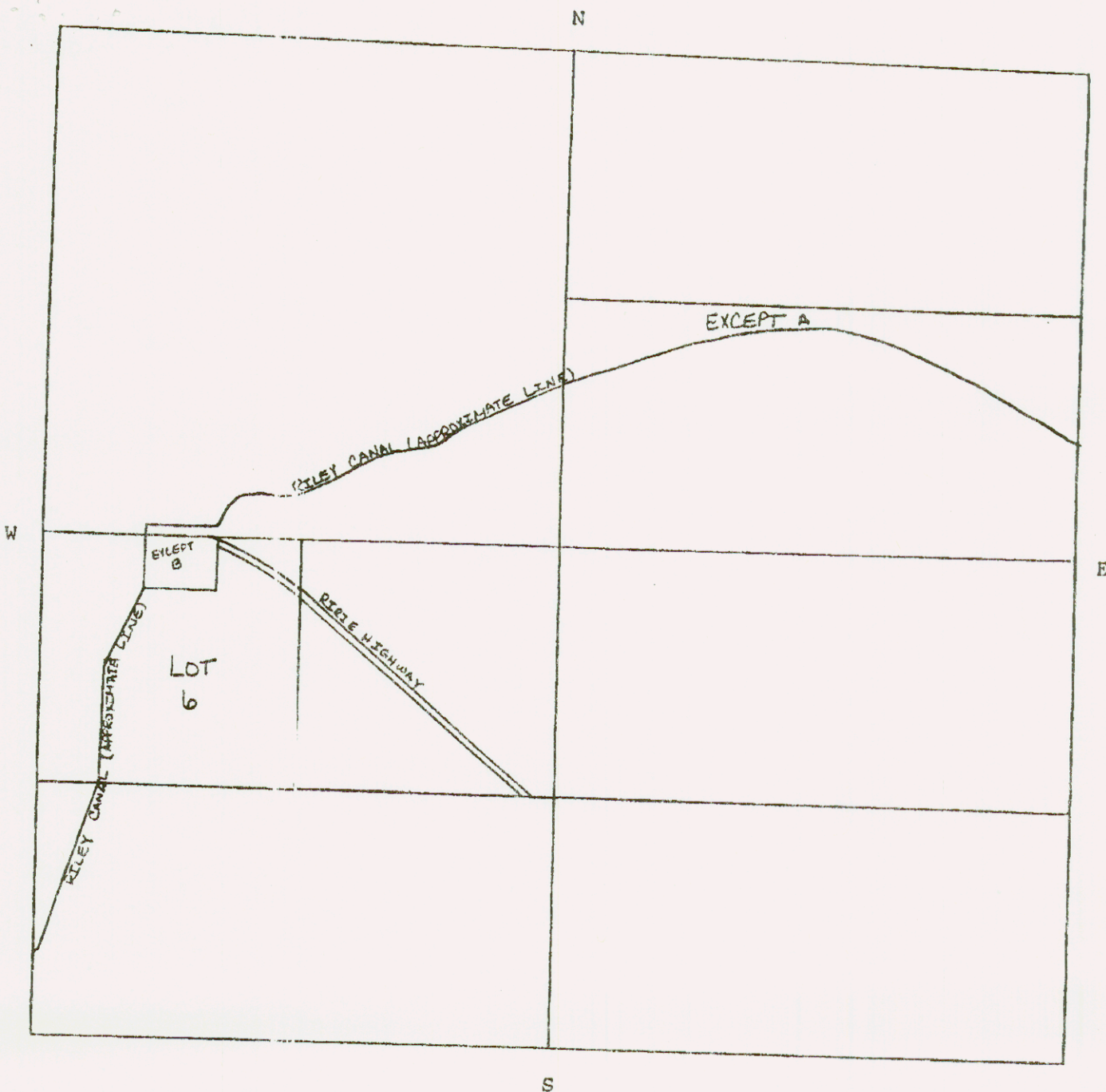
Section: 5 Township: 3N Range: 41, East of the Boise Meridian, Clark County, Idaho.

Scale: X 800 feet = 1 inch, Section
400 feet = 1 inch, Quarter Section
200 feet = 1 inch, Quarter Quarter Section

This plat is made solely for the purpose of assisting in locating said land. The company assumes no liability for variations found, if any, with an actual survey

Bonneville Land & Title Co.

497 N. Capital Ave. • P.O. Box 51690 • Idaho Falls, ID 83405-1690 • (208) 524-6600 • Fax (208) 524-6072



Section: 6 Township: 3N Range: 41, East of the Boise Meridian, Clark County, Idaho.

Scale: X 800 feet = 1 inch, Section
 400 feet = 1 inch, Quarter Section
 200 feet = 1 inch, Quarter Quarter Section

This plat is made solely for the purpose of assisting in locating said land. The company assumes no liability for variations found, if any, with an actual survey.

Bonneville Land & Title Co.

497 N. Capital Ave. • P.O. Box 51690 • Idaho Falls, ID 83405-1690 • (208)524-6000 • Fax (208)524-6072