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FEB 10 2005

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

FEB 03 2005

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.

Department of Water Resources

Southern Region

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
37-861					
37-1186					
37-10963					

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) May Kinney
4. New Owner/Claimant(s) PENSCO TRUST COMPANY, Custodian FBO
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
Richard Saiya, IRA Account No. SAIBJ
 New Mailing Address 450 Sansome Street, 14th Floor
 City, State and ZIP Code San Francisco, CA 94111-3306
 New Telephone Number (415) 274-5600
5. Date you acquired the property _____

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Department of Water Resources
Southern 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 H. W. Hart Date 4/11/05 Fee 25.00
 Received by H. W. Hart Date 4/11/05 Receipt No. 5027558
 Processed by _____ AJ Date _____ WR _____ Date _____

03/04/2005

17:08

LAND TITLE GOODING → 12087263567

NO.111 0002

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Department of Water Resources
Southern Region**PERSONAL REPRESENTATIVE'S DEED**

THIS DEED, made by ROGER KINNEY, Personal Representative of the estate of MAY KINNEY, deceased, Grantor, to PENSICO TRUST COMPANY, Custodian FBO RICHARD SAIYA, IRA Account No. SA1BJ, Grantee, whose address is 450 Sansome Street, 14th Floor, San Francisco, CA 94111-3306.

WHEREAS, Grantor is the qualified Personal Representative of said estate, filed as Probate Number SP-02-00079, in Gooding County, Idaho;

THEREFORE, for valuable consideration received, Grantor sells and conveys to Grantee the following described real property in Gooding County, Idaho:

See Exhibit A attached hereto and by this reference made a part hereof as if set forth in full.

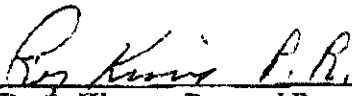
Together with all water, water rights, ditches and rights of way for ditches appurtenant thereto or used in connection therewith. Including easements of records, including, but not limited to, that certain easement dated January 19, 2005 and recorded as Instrument No.209536 records of Gooding County, Idaho.

The water rights associated with this property are as follows:

No. 37-861	.6 cfs
No. 37-1186	8.0 cfs
No. 37-10963	.06 cfs

Seller makes no guarantee as to the validity of the above water rights, their priority date or their eventual decree in the SRBA. It will be Buyers responsibility to transfer the rights and complete any action necessary in the SRBA.

DATED THIS 27th day of January, 2005.



Roger Kinney - Personal Representative
of the estate of May Kinney

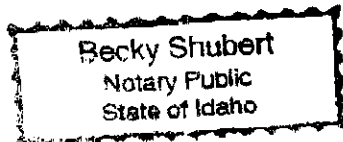
PERSONAL REPRESENTATIVE'S DEED

Page 1 of 2

STATE OF IDAHO)
)ss.
County of Gooding)

On this 21st day of January, 2005, before me, a Notary Public in and for said State, personally appeared ROGER KINNEY, known to me or proved to me on oath, to be the Personal Representative of the estate of MAY KINNEY, and the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same as said Personal Representative.

IN WITNESS WHEREOF, I have set my hand and affixed my official seal the day and year above written.



Becky Shubert
NOTARY PUBLIC FOR THE STATE OF IDAHO
Residing at: Gooding, ID
Commission Expires: 02-23-05

PERSONAL REPRESENTATIVE'S DEED

Page 2 of 2

03/04/2005

17:08

LAND TITLE GOODING → 12087263567

NO.111 0024

EXHIBIT A

TOWNSHIP 4 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN, GOODING
COUNTY, IDAHO

Section 28: SE $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Section 33: W $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$; S $\frac{1}{2}$;
Section 34: S $\frac{1}{2}$
Section 35: W $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$

TOWNSHIP 5 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN, GOODING
COUNTY, IDAHO

Section 2: Lot 4;
Section 3: Lots 1, 2, 3 and 4;
Section 4: Lots 1, 2, 3 and 4; SW $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$; W $\frac{1}{4}$ SE $\frac{1}{4}$;
Section 9: N $\frac{1}{2}$ N $\frac{1}{2}$

Instrument # 209692

GOODING, GOODING, IDAHO

2005-01-28

03:43:51 No. of Pages: 3

Recorded for: LAND TITLE

HELEN EDWARDS

Fee: 9.00

Ex-Officio Recorder Deputy

EXHIBIT A to P.R. Deed (Kinney/Pensco)



First American Title Company, Inc.
120 2nd Avenue N, Ste. 101/P.O. Box 7999
Ketchum, ID 83340
(208)726-5688 Fax (208)726-3567

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Department of Water Resources
Southern Region

FAX TRANSMITTAL SHEET

No. of Pages Including Cover Sheet: _____

DATE: 3-4-05

TIME: _____

PLEASE DELIVER TO: DickCOMPANY: 650-592-4276

FAX NO.: _____

FROM: Melissa

RE: _____

MESSAGE: Following please find the
vesting deed for your gooding
property.
Please call with any questions,
Melissa

If you have any problems receiving this message or have any questions regarding our transmittal please contact us at (208)726-5688.

CONFIDENTIALITY NOTE: The information transmitted in the fax message is intended to be confidential and for the use of only the individual or entity named above, and may be privileged. If the reader of this message is not the intended recipient, you are hereby notified that any retention, dissemination, distribution or copy of this fax is strictly prohibited. If you have received this fax in error, please immediately notify us by telephone. Thank you!

E-Mail Address: es.ketchum.id@firstam.com
Visit Our Web Page at: <http://www.firstam.com>



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 16, 2005

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Department of Water Resources
Southern Region

PENSCO TRUST COMPANY
RICHARD SAIYA
450 SANSOME ST 14TH FLOOR
SAN FRANCISCO CA 94111-3306

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PENSCO

RE OWNERSHIP CHANGE: IRA Account SAIBJ,
Adjudication Claims #37-861, #37-1186
Water Right # 37-10963

Dear Claimant):

Thank you for submitting the NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP form. Our records, however, cannot be updated without the required information listed under item 2 of the ownership change form. Specifically, we need a copy of your warranty deed, title policy or contract of sale with attached legal description. Also, a fee of \$25 (Twenty-five dollars) is require for Water Right #37-10963 since this right has been decreed in the Snake River Basin Adjudication.

Enclosed is your original ownership change form. Please attach the required information and return the entire packet in the enclosed self-addressed envelope. As soon as this information is received, our records will be updated and you will be notified by mail that the change has been completed.

Thank you for your prompt attention to this matter and should you have any questions please feel free to contact me.

Sincerely,

Carrie Hahn
Clerk
enc.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

April 14, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

PENSCO TRUST COMPANY
CUSTODIAN FBO RICHARD SAIYA
IRA ACCOUNT NO. SAIBJ
450 SANSOME ST 14TH FLOOR
SAN FRANCISCO CA 94111-3306

Re: SRBA Claims #37-861, #37-1186

Dear Claimant,

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the records of current ownership to you. Please find the enclosed copies of the computer records of the claims noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carrie Hahn'.

Carrie Hahn
Office Specialist

Enc.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 37-861

WATER RIGHT NUMBER: 37-861

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MAY A KINNEY 311 4TH AVE W GOODING, ID 83330 (208)934-5087

Priority Date: 03/01/1886

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
DRY CREEK	BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.600 CFS	
	<u>Total Diversion:</u>	0.600 CFS	

Location of Point(s) of Diversion

DRY CREEK	NE1/4SW1/4NW1/4	Sec. 28, Twp 04S, Rge 14E, B.M.
GOODING County		

Place of Use

IRRIGATION

Dept of Interior

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	14E	33		4.0	36.0	2.0				10.0	2.0				25.0	31.0	4.0	40.0	154.0
04S	14E	34											15.0						15.0
05S	14E	3							41.0										41.0
05S	14E	4	33.0																33.0
			L 1																

Total Acres: 243

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-861

Comments:Dates and Other Information:

Claim Received Date: 8/17/1988

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-861
Date Received: 8/17/1988
Receipt No: S001526
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

PENSCO TRUST COMPANY Phone: (415) 274-5600
CUSTODIAN FBO RICHARD SAIYA
450 SANSOME ST 14TH FLOOR
SAN FRANCISCO CA 94111-3306

2. Date of Priority: 03/01/1886

3. Source: DRY CREEK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04S	14E	28	NE SW NW	GOODING	

5. Description of diverting works:

HEADGATE AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.6	

7. Total Quantity Appropriated is:
0.6 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
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04S	14E	33	SE	NE		IRRIGATION	2
			SE	NW		IRRIGATION	10
			NW	NE		IRRIGATION	4
			SW	NE		IRRIGATION	36
			NE	SE		IRRIGATION	25
			NW	SE		IRRIGATION	31
			SE	SE		IRRIGATION	40
			NE	SW		IRRIGATION	2
			SW	SE		IRRIGATION	4
						Section Acres	154
04S	14E	34	SW	SW		IRRIGATION	15
						Section Acres	15
05S	14E	3	NW	NW	4	IRRIGATION	41
						Section Acres	41
05S	14E	4	NE	NE	1	IRRIGATION	33
						Section Acres	33
						Total Acres	243

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed