

Washington County Title Co.

RECEIVED

OCT 17 2005

Department of Water Resources

35 West Idaho St.
Weiser, ID 83672

(208) 414-1455
Fax (208) 414-1487
wctitle@ruralnetwork.net

Title Insurance

Escrow Service

October 11, 2005

RECEIVED

OCT 12 2005

WATER RESOURCES
WESTERN REGION

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082

RE: Change in Water Right Ownership for #67-7329

Enclosed please find a Notice of Change in Water Right Ownership form for the above referenced water right number, changing ownership to Fairway Homes, Inc. Also enclosed are copies of:

- ▶ Decree of Distribution for Rosemary Wilson, deceased, to Eleanor Wagner, Kathleen Pagoaga, Linda Martin, Steven K. Peterson
- ▶ Quitclaim Deed from Steven K. Peterson to Eleanor Wagner, Kathleen Pagoaga, Linda Martin
- ▶ Warranty Deed from Eleanor Wagner, Kathleen Pagoaga and Linda Wilson (Martin) to Fairway Homes, Inc.
- ▶ Copy of plat map

If you need anything further, please let us know, or contact Ray or Karma Laan of Fairway Homes, Inc. at 549-3440.

Yours truly,



Paula Thomsen

Encl.

RECEIVED

OCT 12 2005

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

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.

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
67-7329					

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) Rosemary Wilson % Ira T. Burton
P.O. Box 367, Weiser, ID 83672
4. New Owner/Claimant(s) Fairway Homes, Inc
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 1072 Indianhead Road
- City, State and ZIP Code Weiser, ID 83672
- New Telephone Number (208) 549-3440
5. Date you acquired the property Aug. 24, 2005

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 _____

IRA T. BURTON
BURTON & KROLL
P. O. Box 367
Weiser, Idaho 83672
(208) 549-1652

COPY

Filed 9-15-99
SHARON WIDNER 1:45 P M.
Clerk District Court
By ELIE BARRA Deputy

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF WASHINGTON

MAGISTRATE DIVISION

In the Matter of the Estate of)
ROSEMARY WILSON,) Case No. SP 98-00316
Deceased.) ORDER APPROVING FINAL ACCOUNT
AND DECREE OF DISTRIBUTION

The petition of ELEANOR WAGNER and KATHLEEN PAGOAGA for settlement and distribution of the above named estate having come before the Court for hearing, the Court makes the following findings:

I.

ELEANOR WAGNER and KATHLEEN PAGOAGA are the duly appointed, qualified and acting Personal Representative of the above named estate.

II.

Notice to Creditors has been published and the time for presenting claims that arose prior to the death of the decedent has expired.

III.

All debts of the decedent and of the estate, and all

expenses of administration, and all taxes that have attached to or accrued against the estate have been paid.

IV.

The Personal Representative has filed a Final Accounting and the estate is in a condition to be closed.

V.

Proof of service of the notice of the time for filing objections to the Final Account and Petition for Distribution has been filed herein. No objections have been filed.

VI.

The decedent died testate on the 18th day of September, 1998. The following persons are entitled to distribution of the remaining estate property:

Divided equally between Eleanor Wagner, Kathleen Pagoaga, Linda Martin, and Steven K. Peterson.

IT IS THEREFORE HEREBY ORDERED AND DECREED:

1. The Final Account is allowed and settled.
2. The following described real property located in Washington County, Idaho, is hereby decreed in equal shares to the following:

An undivided one-fourth interest to ELEANOR WAGNER,
as her sole and separate property;
An undivided one-fourth interest to KATHLEEN PAGOAGA,
as her sole and separate property;
An undivided one-fourth interest to LINDA MARTIN, as
her sole and separate property;
An undivided one-fourth interest to STEVEN K. PETERSON,
as his sole and separate property.

The West Half of the Northeast Quarter of the Southwest Quarter, and the East Half of the East Half of the Southwest Quarter and the East Half of the West Half of the Southeast Quarter; the West Half of the East Half of the Southeast Quarter all in Section 23 and all that part of the East Half of the Southeast Quarter of Section 23 described as follows:

Beginning at a point 655 feet West and 1042 feet North of the Southeast Corner of the Southeast Quarter of said section as a place of beginning;

Thence in a Northeasterly direction to a point 1900 feet North and 315 feet West of the Southeast corner of the Southeast Quarter of said Section 23;

Thence North 742 feet to the North line of the said Southeast Quarter of Section 23;

Thence West along said North line, a distance of 345 feet;

Thence South 1600 feet to the place of beginning, containing 9.29 acres, more or less, all in Township 11 North, Range 6 West of the Boise Meridian, Washington County, Idaho.

3. The balance of estate assets which consists of cash, is hereby decreed one-fourth to ELEANOR WAGNER, one-fourth to KATHLEEN PAGOAGA, one-fourth to LINDA MARTIN, and one-fourth to STEVEN K. PETERSON.

4. The Personal Representative is directed to make distribution of the remaining estate property and any other property of the decedent or the estate not now known or discovered to the persons in the manner set forth above.

5. That upon distribution of the remaining estate property, the Personal Representative is discharged from any further duties, obligations or liabilities in the above referenced estate.

DATED this 15 day of September, 1999.

GREGORY M. CULET

Magistrate

STATE OF IDAHO
County of Washington
I hereby certify that the foregoing
instrument is a true and correct copy
of the original on file in the Office.
Dated November 4 1999
Sharon Widner, Clerk of the District Court
[Signature]
Deputy Clerk of Magistrate Division

INSTRUMENT NO. 178028
STATE OF IDAHO, COUNTY OF WASHINGTON ss.
Filed for record at the request of
BURTON & KROLL LAW OFFICE
34 Min. past FIFTEEN o'clock P. M.
This 4TH day of NOVEMBER 19 99
Index to: DEED DECREE
SHARON WIDNER, Recorder Fee: \$12.00
By *[Signature]* Deputy
BURTON & KROLL LAW OFFICE

Comp. Index
Comp. Rel.
Film
Compare
Card Rel.
Bk. Rel.
Up-date
Return
Copy

COPY

189016

QUITCLAIM DEED

FOR VALUE RECEIVED, STEVEN K. PETERSON, a married man, as his sole and separate property, owner of a one-eighth interest in and to the herein described property, Grantor, does hereby convey, release, remise and forever quitclaim unto ELEANOR WAGNER, 821 S. Idaho, Grangeville, Idaho 83530, a married woman as her sole and separate property, a 1/24th interest, unto KATHLEEN PAGOAGA, 517 Sierra Drive, Boise, Idaho 83705, a married woman as her sole and separate property, a 1/24th interest, and to LINDA MARTIN, 1600 Poets Corner, San Antonio, Texas, 78232, a single woman, as her sole and separate property, a 1/24th interest, the following described premises situate in Washington County, Idaho;

AND FURTHER, BARBARA M. LITTENBERG, a married woman, as her sole and separate property, owner of a one-eighth interest in and to the herein described property, Grantor, does hereby convey, release, remise and forever quitclaim unto ELEANOR WAGNER, 821 S. Idaho, Grangeville, Idaho 83530, a married woman as her sole and separate property, a 1/24th interest, unto KATHLEEN PAGOAGA, 517 Sierra Drive, Boise, Idaho 83705, a married woman as her sole and separate property, a 1/24th interest, and to LINDA MARTIN, 1600 Poets Corner, San Antonio, Texas, 78232, a single woman, as her sole and separate property, a 1/24th interest, the following described premises situate in Washington County, Idaho, to-wit:

The West Half of the Northeast Quarter of the Southwest Quarter, and the East Half of the East Half of the Southwest Quarter and the East Half of the West Half of the Southeast Quarter; the West Half of the East Half of the Southeast Quarter all in Section 23 and all that part of the East Half of the Southeast Quarter of Section 23 described as follows:

Beginning at a point 655 feet West and 1042 feet North of the Southeast Corner of the Southeast Quarter of said section as a place of beginning;

-- Thence in a Northeasterly direction to a point 1900 feet North and 315 feet West of the Southeast corner of the Southeast Quarter of said Section 23;

Thence North 742 feet to the North line of the said Southeast Quarter of Section 23;

Thence West along said North line, a distance of 345 feet;

Thence South 1600 feet to the place of beginning, containing 9.29 acres, more or less, all in Township 11 North, Range 6 West of the Boise Meridian, Washington County, Idaho.

together with the appurtenances thereto, and to their heirs and assigns forever.

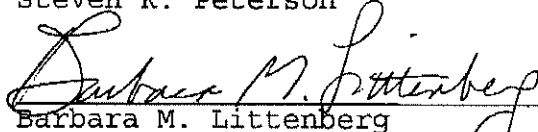
It being the intent of this Quitclaim Deed to transfer all right, title and interest of Grantors in and to said property to the Grantees, thereby resulting in the following fractional interests after the recording of this Quitclaim Deed:

Eleanor Wagner - 1/3rd
Kathleen Pagoagoa - 1/3rd
Linda Martin - 1/3rd

DATED this 15th day of MARCH ~~February~~, 2003.



Steven K. Peterson

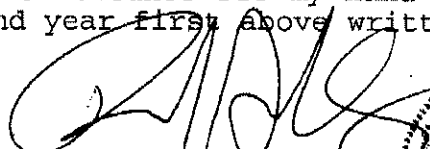


Barbara M. Littenberg

STATE OF NEW YORK)
County of NY) ss.

On this the 15th day of MARCH ~~February~~, 2003, before me the undersigned, a Notary Public in and for said State, personally appeared STEVEN K. PETERSON, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

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


Notary Public for said State
Residing at: 1091 3rd Ave

Notary Public, State of New York
No. 01AV6077148
Qualified in Manhattan County
Commission Expires JULY 08, 2008

STATE OF NEW YORK)
County of NY) ss.

On this the 15th day of MARCH ~~February~~, 2003, before me the undersigned, a Notary Public in and for said State, personally appeared BARBARA M. LITTENBERG, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same.

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

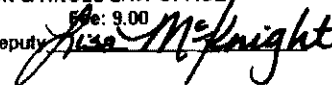
Instrument # 189016

WEISER, WASHINGTON, IDAHO

2003-03-19 01:44:33 No. of Pages: 3

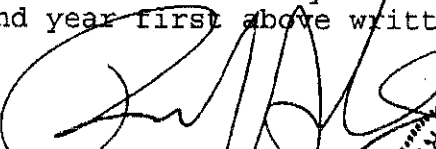
Recorded for: BURTON & KROLL LAW OFFICE

SHARON WIDNER Fee: 9.00

Ex-Officio Recorder Deputy 

Index to: DEED

3 ** QUITCLAIM DEED


Notary Public for said State
Residing at: 1091 3rd Ave

RAUL AVILES
Notary Public, State of New York
No. 01AV6077148
Qualified in Manhattan County
Commission Expires JULY 08, 2008

Approved by:

Initials K.L. P/L

COPY

*Warranty Deed*

FOR VALUE RECEIVED, ELEANOR WAGNER, a married woman as her sole and separate property as to a 1/3 interest, KATHLEEN PAGOAGA, a married woman as her sole and separate property as to a 1/3 interest, LINDA WILSON, formerly known as LINDA MARTIN, a single woman as to her 1/3 interest, the Grantors, do hereby, grant, bargain, sell and convey unto FAIRWAY HOMES, INC., the Grantee, whose address is 807 W. 1st Street, Weiser, ID 83672, the following described real estate situated in Washington County, State of Idaho, to-wit:

See attached Legal Description.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its successors and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that said premises are free from all incumbrances, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 22nd day of August, 2005.

Instrument # 198344

WEISER, WASHINGTON, IDAHO

2005-08-24 09:27:00 No. of Pages: 5

Recorded for : WASHINGTON COUNTY TITLE

SHARON WIDNER

Ex-Officio Recorder Deputy 132/11/2 Knight Fee: 15.00

Index to: DEED

Eleanor Wagner
Eleanor Wagner

Kathleen Pagoaga
Kathleen Pagoaga

Linda Wilson
Linda Wilson

Approved by:

Initials _____

*Warranty Deed*

FOR VALUE RECEIVED, ELEANOR WAGNER, a married woman as her sole and separate property as to a 1/3 interest, KATHLEEN PAGOAGA, a married woman as her sole and separate property as to a 1/3 interest, LINDA WILSON, formerly known as LINDA MARTIN, a single woman as to her 1/3 interest, the Grantors, do hereby, grant, bargain, sell and convey unto FAIRWAY HOMES, INC., the Grantee, whose address is 807 W. 1st Street, Weiser, ID 83672, the following described real estate situated in Washington County, State of Idaho, to-wit:

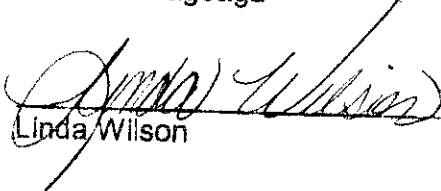
See attached Legal Description.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its successors and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that said premises are free from all incumbrances, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 22nd day of August, 2005.

Eleanor Wagner

Kathleen Pagoaga

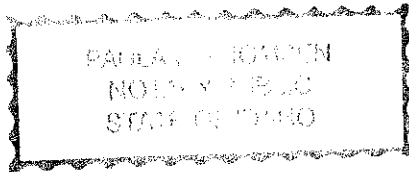


Linda Wilson

STATE OF IDAHO)
 : ss
County of Washington)

On this 22nd day of August, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared ELEANOR WAGNER, known to me, or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same.

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

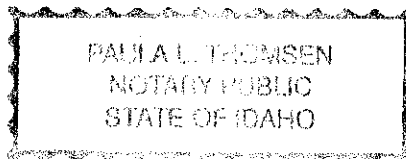


Paula L. Groman
Notary Public for Idaho
Residing at Weiser, Idaho
Commission expires: 3-11-2009

STATE OF IDAHO)
 : ss
County of Washington)

On this 22nd day of August, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared KATHLEEN PAGOAGA, known to me, or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same.

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



Paula J. Thomsen
Notary Public for Idaho
Residing at Weiser, Idaho
Commission expires: 3-11-2009

STATE OF TEXAS)
County of _____ : ss

On this 11 day of August, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared LINDA WILSON, known to me, or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same.

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

Notary Public for Texas
Residing at:
Commission expires:

STATE OF IDAHO)
 : ss
 County of Washington)

On this _____ day of August, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared ELEANOR WAGNER, known to me, or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same.
 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Notary Public for Idaho
 Residing at Weiser, Idaho
 Commission expires:

STATE OF IDAHO)
 : ss
 County of Washington)

On this _____ day of August, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared KATHLEEN PAGOAGA, known to me, or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same.
 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Notary Public for Idaho
 Residing at Weiser, Idaho
 Commission expires:

STATE OF TEXAS)
 : ss
 County of Bexar)

On this 22nd day of August, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared LINDA WILSON, known to me, or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same.
 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.



Gil Flores
 Notary Public for Texas
 Residing at: 10004 Wurzbach
 Commission expires: 12/18/08

Legal Description to Warranty Deed

IN WASHINGTON COUNTY, IDAHO:

IN TOWNSHIP 11 NORTH, RANGE 6 WEST OF THE BOISE MERIDIAN:

Section 23: E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$, SAVE AND EXCEPT the North 27 feet;

W $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$, and all that part of the E $\frac{1}{2}$ SE $\frac{1}{4}$ described as follows:

Beginning at a point 655 feet West and 1042 feet North of the Southeast Corner of the SE $\frac{1}{4}$ of said Section 23 as the POINT OF BEGINNING;

Thence in a Northeasterly direction to a point 1900 feet North and 315 feet

West of the Southeast Corner of the SE $\frac{1}{4}$ of said Section 23;

Thence North 742 feet to the North line of the SE $\frac{1}{4}$ of said Section 23;

Thence West along said North line, a distance of 345 feet;

Thence South 1600 feet to the POINT OF BEGINNING.

SUBJECT TO right of way of an existing County Road known as Indianhead Road along the South boundary of the above described property.

SAVE AND EXCEPT the following:

A parcel of land situated in the S $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 23, described as follows:

Beginning at a point 655 feet West of the Southeast corner of said Section 23;

Thence North, parallel to the East line of said Section 23, to the point of intersection with the easterly bank of Jenkins Creek as now established.

Thence in a westerly and southerly direction along the easterly and southerly bank of Jenkins Creek to a point on the South line of said Section 23;

Thence East along the South line of said Section 23, to the POINT OF BEGINNING.

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