

SCANNED

AUG 01 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

OCTOBER 7, 1994

JAMES T COLE
HC 66 BOX 1886A
ISLAND PARK ID 83429

RE: CHANGE IN OWNERSHIP FOR A21-11181, -00076B, -02011
-11182, -00077B

Dear Mr. Cole:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed are typed Notices with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

Jo Thompson
Adjudication Secretary

Enclosure: Notice of Claim

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NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 10/4/94

LEGAL DESCRIPTION OF PROPERTY: Township 15 Range 43 EBM
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block, _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet. see attached

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s) not OK not OK not OK not OK not OK
Assigned by IDWR: A21-11181, A21-00076B, A21-02011, A21-11182,
A21-00077B not OK

☐ Name and Address of Former Owner/Claimant(s)(Seller): Estate of Maryellen Hittson
P.O. Box 52020, Idaho Falls, ID 83405

☐ New Owner/Claimant (Purchaser): James T. Cole and Susan B. Cole

☐ New Mailing Address: HC66, Box 186A
Island Park, ID 83429

☐ New Telephone Number: (208) 558 - 9062

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes x no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s) _____ Date _____

☐ Signature of Former Owner/Claimant(s): Maryellen Hittson as Date _____
P.R. of Hittson Estate Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

M. B. Hiller, Esq.
HILLER, BENJAMIN & ASSOCIATES
P. O. Box 52020
Idaho Falls, ID 83405
Telephone: (208) 525-3200

COPY

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE
MAGISTRATES DIVISION

In the Matter of the Estate)

of:)

MARYELLEN HITTSON,)

Deceased.)

Case No. E-3074

PERSONAL REPRESENTATIVE'S
DEED

THIS PERSONAL REPRESENTATIVE'S DEED is made and entered into
this 20th day of September, 1994, between M. B. HILLER as Personal
Representative of the Estate of Maryellen Hittson, deceased, also
known as Mary Ellen R. Hittson ("Grantor" herein) and JAMES T. COLE
and SUSAN B. COLE, husband and wife, HC 66, Box 186A, Island Park,
Idaho, 83429, ("Grantee" herein).

W I T N E S S E T H:

That Grantor, for and in consideration of the sum of Ten
Dollars (\$10.00), the receipt of which is hereby acknowledged, does
hereby grant, bargain, sell, convey and confirm unto JAMES T. COLE
and SUSAN B. COLE, all right, title and interest of the estate of
the decedent at the time of her death, and all right, title and
interest that the estate may have subsequently acquired under the
law, in and to the following described property (including mineral,

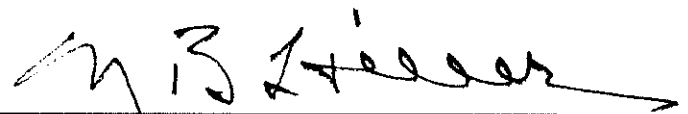
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water and grazing rights), located in Fremont County, Idaho, to-wit:

See Exhibit "A" attached hereto and incorporated herein.

TO HAVE AND TO HOLD all and singular the said premises, together with the rents, issues and profits thereof, and the improvements, tenements, hereditaments and appurtenances thereunto belonging or appertaining unto the said Grantee.

WITNESS the hand and seal of the Grantor this 20th day of September, 1994.



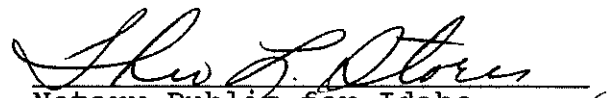
M. B. Hiller
Personal Representative of the
Estate of Maryellen Hittson

STATE OF IDAHO)
) ss.
County of Bonneville)

ON THIS 20th day of September, 1994, before me, Theo L. Storer, a Notary Public in and for said State, personally appeared M. B. HILLER, known to me to be the Personal Representative of the Maryellen Hittson estate, whose name is subscribed to the within and foregoing instrument, and acknowledged to me that he subscribed his name to said instrument as Personal Representative of the Maryellen Hittson estate.

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)



Theo L. Storer
Notary Public for Idaho
Residing at: Idaho Falls
My commission expires: 4-13-99

EXHIBIT "A"

TOWNSHIP 15 NORTH RANGE 43 EAST, BOISE MERIDIAN, FREMONT COUNTY,
IDAHO:

SECTION 11: SE1/4NW1/4; S1/2NE1/4 lying South and West of Highway 87; E1/2SW1/4; SE1/4
LESS: A parcel of land being on the Southwesterly side of the centerline of State Highway No. 87, Project No. LPR 35-A Highway Survey as shown on the plans thereof now on file in the office of the Idaho Transportation Department, Division of Highways, and being a portion of the S1/2NE1/4 and the NE1/4SE1/4 of Section 11, Township 15 North, Range 43 East, Boise Meridian, described as follows, to wit:

Beginning at the Northeast corner of the SW1/4NE1/4 of Section 11, Township 15 North, Range 43 East, Boise Meridian; Thence South 89°32'00" West along the North line of said SW1/4NE1/4 a distance of 1,016.42 feet; thence South 39°02'07" East 1,897.68 feet; thence North 49°51'18" East 1,275.68 feet to a point in the Southwesterly right of way line of existing State Highway No. 87; thence Northwesterly along said right of way line 893.0 feet, more or less, to a point in the North line of the SE1/4NE1/4 of said Section 11; thence South 89°32'00" West along said North line 560.84 feet to the POINT OF BEGINNING.

SECTION 12: All of the S1/2SW1/4 and SW1/4 NW1/4 lying West of Highway 87, LESS that portion which lies South & East of Highway 191-20.

SECTION 13: N1/2NW1/4 lying West of Highway 191-20
ALSO: Beginning at a point that is South 0°13'15" West 1320.0 feet, more or less from the NW corner of Section 13, Township 15 North, Range 43 East, Boise Meridian, said point of beginning being the NW corner of the SW1/4NW1/4 of said Section 13; and running thence South 0°13'15" West 325.80 feet; thence North 78°46' East 602.74 feet to the point on the Westerly right of way line of U.S. Highway No. 191, said point being a curve with a radius of 3,918.20 feet and a tangent that bears North 23°15'27" East, and said point also being a station 483+53.94 and 100.00 feet normal and to the center line of U.S. Highway No 191; thence to

W 191-20

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the right along said curve 232.43 feet; thence South 89°48'30" West 688.00 feet to the point of beginning. SAID PROPERTY HAS BEEN PLATTED AS LAKE VIEW TRAILER ESTATES, DIVISION NO.1, RECORDED NOVEMBER 14, 1966, IN BOOK C OF PLATS, PAGE 44, OFFICIAL RECORDS OF FREMONT COUNTY, IDAHO.

SECTION 14: E1/2NW1/4; NE1/4

SUBJECT TO THE FOLLOWING DESCRIBED ACCESS EASEMENT:

Beginning at a point that is North 0°11'51" West 1323.34 feet along the section line and North 89°37'09" East 830.89 feet from the SE corner of said Section 11 and running thence North 89°37'09" East 713.20 feet to a point on the West right-of-way line of State Highway No. 287; thence South 42°05'28" East 66.98 feet along said right-of-way line; thence South 89°37'09" West 743.53 feet; thence North 16°16'08" West 51.99 feet to THE POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING EASEMENT:

Beginning at a point that is North 0°11'51" West 1323.34 feet along the section line and North 89°37'09" East 762.29 feet from the SW Corner of said Section 12 and running thence North 89°37'09" East 781.79 feet to a point on the West right-of-way line of State Highway No. 287; thence South 42°05'28" East 66.98 feet along said right-of-way line; thence South 89°37'09" West 743.53 feet; thence South 16°16'08" East 197.67 feet; thence South 75°43'40" West 65.16 feet; thence North 16°27'14" West 266.16 feet TO THE POINT OF BEGINNING.

LESS AND EXCEPTING FROM THE ABOVE LEGALS:

Beginning at a point that is North 0°11'51" West 860.59 feet along the section line from the SE corner of said Section 11 and running thence North 75°43'40" East 927.82 feet; thence North 16°16'08" West 249.54 feet; thence South 89°37'09" West 830.89 feet to a point on the East line of said Section 11; thence South 0°11'51" West 32.16 feet along said Section line; thence South 75°36'57" West 4064.15 feet; thence South 01°05'11" East 204.48 feet; thence North 75°34'26" East 3868.31 feet; thence South 14°23'05" East 217.66 feet; thence North 75°43'40" East 137.34 feet to THE POINT OF BEGINNING.

M. B. L. Allen

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ALSO EXCEPTING from the real estate being sold hereunder two parcels of land expressly reserved by the Seller described as follows:

PARCEL NO. 1: Part of the SE 1/4, SW 1/4 of Section 12, Township 15 North, Range 43 East B.M., Fremont County, Idaho, described as:

Beginning at a point that is N 0°12'40" W 1092.55 feet along the north-south center line of said Section 12 from the South 1/4 of said Section 12 and running thence N 0°12'40" W 223.41 feet to the NE corner of said SE 1/4, SW 1/4; thence N 89°55'07" W 876.31 feet along the north line of said SE 1/4, SW 1/4 to the northerly right-of-way line of State Highway No. 287; thence S 41°30'00" E 760.31 feet along said right-of-way line; thence N 47°16'37" E 508.19 feet to the point of beginning.

Parcel contains 6.68 acres.

PARCEL NO. 2: Part of the SE 1/4, SW 1/4 of Section 12 and the North 1/2 of NW 1/4 of Section 13, Township 15 North, Range 43 East B.M., Fremont County, Idaho, described as:

Commencing at the South 1/4 corner of said Section 12 and running thence S 0°12'52" E 1307.50 feet along the north-south center line of said Section 13 to the SE corner of said N 1/2, NW 1/4 of Section 13; thence S 89°38'49" W 2655.22 feet along the south line of said N 1/2, NW 1/4 to the easterly right-of-way line of U.S. Highway No. 20, said point being on a non-tangent curve; thence to the right along said curve 1394.97 feet (Curve Data Delta = 21°29'14" R = 3719.67) Chord bears N 38°09'41" E 1386.80 feet; thence N 10°19'47" E 69.05 feet; along said right-of-way line; thence N 47°16'37" E 785.62 feet along said right-of-way line; thence N 85°44'09" E 64.31 feet along said right-of-way line; thence N 47°16'37" E 203.64 feet along said right-of-way line to the north-south center line of said Section 12; thence S 0°12'40" E 585.98 feet along said center line to the point of beginning.

Parcel contains 43.20 acres.

This sale includes the Maryellen Hittson Estate's interest in and to State Lease G-8823; further, pertinent water rights pertaining to the real property sold hereunder will be finalized through the Water Resources Office in Idaho Falls, Bonneville County, Idaho, and include groundwater (subterranean wells) from Targhee Creek water and that portion of Howard Creek water pertaining to the property transferred by this sale; it is recognized that water rights pertaining to the property retained by the estate are reserved to the estate.

M.B. Hittson

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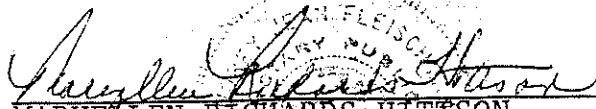
LIMITED POWER OF ATTORNEY

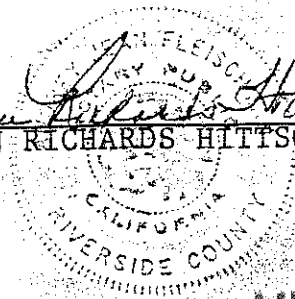
KNOW ALL MEN BY THESE PRESENTS: That I, MARYELLEN RICHARDS HITTSON, of Blaine County, Idaho, do hereby make, constitute and appoint WILLIS B. BENJAMIN, my attorney, of Bonneville County, Idaho, my true and lawful attorney-in-fact, for me and in my name, place and stead, to execute any and all documents, instruments or papers required or necessary with regard to all water and water rights of any nature in the State of Idaho relative to all lands which I hold in said State.

Granting and giving unto said attorney-in-fact, WILLIS B. BENJAMIN, full authority and power to do and perform any and all other acts necessary or incident to the performance and execution of the powers herein expressly granted, with power to do and perform all acts authorized hereby, as fully to all intents and purposes as I might or could do if personally present.

And I hereby ratify, confirm and allow whatever my attorney shall lawfully do in the premises.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 14th day of February, 1989.


MARYELLEN RICHARDS HITTSON



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OCT 20 1992