

DELOG PM
5/17/02

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

OK
data
sent

1. Water Right Number(s) 29-4012A and 29-4012B
Adjudication Claim Number(s) _____
2. The following REQUIRED information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Crystal Springs, Inc. P.O. Box 519,
Rexburg, Idaho 83440
4. New Owner/Claimant(s) Roger Ferguson and Sybil Ferguson
Name connector (Check one): ☒ AND, ☐ OR, ☐ AND/OR
New Mailing Address P.O. Box 519
City, State and ZIP Code Rexburg, Idaho 83440
New Telephone Number (208) 356 - 3716
5. Date you acquired the property 12/15/94
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) *Roger Ferguson* Date 5-14-02
Sybil Ferguson Date 5-14-02
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

BILLY G. DUPREE, JR.
ATTORNEY AT LAW
P.O. Box 723 • 58 East First North • Rexburg, Idaho 83440
Bus. (208) 356-0180 • Fax (208) 356-0238

RECEIVED
MAY 17 2002
Department of Water Resources
Eastern Region

May 15, 2002

Idaho Department of Water Resources
900 North Skyline Drive
Suite A
Idaho Falls, Idaho 83402
Attention: Jennifer

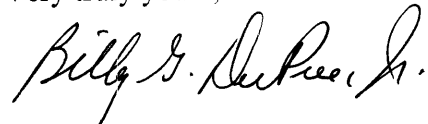
Re: Notice of Change of Water Right Ownership From
Crystal Springs, Inc. to Roger and Sybil Ferguson

Dear Jennifer:

Enclosed please find a Notice of Change of Water Right Ownership and copy of Warranty Deed transferring ownership from Crystal Springs, Inc. to Roger and Sybil Ferguson. At the time of the transfer of the real property and related water rights to Mr. and Mrs. Ferguson, they were the only shareholders of Crystal Springs, Inc. Under those circumstances, it is my understanding that there is no need to provide an aerial photo. Enclosed for your information are copies of Written Consents of Directors and Shareholders in Lieu of Annual Meeting showing officers, directors and shareholders of Crystal Springs, Inc. during the pertinent time period.

Thank you for your attention to the foregoing. Please telephone me, if you need any additional information or have any questions.

Very truly yours,



Billy G. DuPree, Jr.

BGD/law
Enclosure

4-1.

166678

WARRANTY DEED

Instrument #	
Doc #	Time 12:15 PM
Rec'd <i>Billy K. Dwyer</i>	
DEC 12 1995	
POWER COUNTY AM FALLS C. SCHMIDT	
BY <i>M. Schelke</i> DEPUTY	

Warranty deed made effective the 15th day of December, 1994, between Crystal Springs, Inc., an Idaho corporation, whose address is 950 South 1800 West, Post Office Box 125, Springfield, Idaho 83266 ("Grantor"), and Roger Ferguson and Sybil Ferguson, husband and wife, whose address is 1900 North 6000 West, Rexburg, Idaho 83440 ("Grantees"), wit: esseth:

That Grantor, for good and valuable consideration, the receipt of which is hereby acknowledged, has granted, bargained, and sold, and does, by these presents, grant, bargain, sell, convey, and confirm unto Grantees and their heirs and assigns forever, all of the following described real estate situated in the County of Power, State of Idaho:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN

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

To have and to hold, all and singular the above-described premises together with the appurtenances unto Grantees and their heirs and assigns forever.

4-2.

And Grantor and its successors shall and will warrant and by these presents forever defend the premises in the quiet and peaceable possession of Grantees, their heirs and assigns against Grantor and its successors and against all and every person or persons whomsoever, lawfully claiming the same through Grantor.

This deed memorializes and reflects the distribution of the herein described property from Grantor to Grantees made the 15th day of December, 1994.

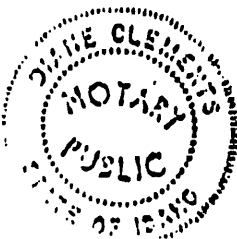
IN WITNESS WHEREOF, Grantor has hereunto set its hand on the day and year first above written.

CRYSTAL SPRINGS, INC.,
an Idaho corporation

Roger Ferguson
By: Roger Ferguson, President

STATE OF IDAHO)
) ss
County of Madison)

On this 31st day of May, in the year 1996, before me, DIANE CLEMENTS, a Notary Public, personally appeared Roger Ferguson, known or identified to me (or proved to me on the oath of _____), to be the President of the corporation that executed this instrument or the person who executed this instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.



Diane Clements
Notary Public for Idaho
Residing at: Rexburg, Idaho
My Commission Expires: 4/22/97

4-3

EXHIBIT A

PARCEL 1:

THAT PORTION OF THE S½NE¼, AND LOTS 1 AND 2, SECTION 1, TOWNSHIP 6 SOUTH, RANGE 33 E.B.M., POWER COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER QUARTER CORNER OF SAID SECTION 1; THENCE NORTH 0°06' EAST ALONG THE MERIDIONAL CENTER LINE OF SAID SECTION, 1019.3 FEET; THENCE NORTH 46°50' EAST, 1370 FEET, MORE OR LESS TO THE PORTNEUF RIVER; THENCE FOLLOWING THE STREAM, IN COURSES AND DISTANCES APPROXIMATELY AS FOLLOWS:

SOUTH 51°18' EAST, 530 FEET; THENCE NORTH 83°42' EAST, 540 FEET; THENCE SOUTH 64°35' EAST, 420 FEET; THENCE SOUTH 65°45' EAST, 370 FEET, MORE OR LESS TO AN INTERSECTION WITH THE EAST LINE OF SAID SECTION 1; THENCE SOUTH ALONG THE EAST LINE OF SAID SECTION, 1360 FEET, MORE OR LESS, TO THE EAST QUARTER CORNER OF SAID SECTION; THENCE NORTH 89°22' WEST, ALONG THE LATITUDINAL CENTERLINE OF SAID SECTION, 2659.5 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

AND:

BEGINNING AT THE CENTER QUARTER CORNER OF SAID SECTION 1; THENCE NORTH 0°06' EAST ALONG THE MERIDIONAL CENTER LINE OF SAID SECTION, 1019.3 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 46°50' EAST, 1370 FEET, MORE OR LESS, TO THE PORTNEUF RIVER; THENCE FOLLOWING SAID RIVER IN A NORTH AND NORTHWESTERLY DIRECTION TO A POINT ON THE NORTH LINE OF SAID SECTION, 70 FEET, MORE OR LESS, EAST OF THE NORTH QUARTER CORNER OF SAID SECTION; THENCE WEST ALONG THE NORTH LINE OF SAID SECTION, 70 FEET, MORE OR LESS, TO THE NORTH QUARTER CORNER OF SAID SECTION 1; THENCE SOUTH ON THE MERIDIONAL CENTER LINE OF SAID SECTION, 1620.7 FEET, MORE OR LESS TO THE TRUE POINT OF BEGINNING.

EXCEPT THEREFROM THAT PORTION OF SAID LAND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 1; THENCE SOUTH 30 FEET, MORE OR LESS TO AN INTERSECTION WITH THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD, THE TRUE POINT OF BEGINNING; THENCE SOUTH 1566.6 FEET; THENCE NORTH 46°48' EAST 685.3 FEET; THENCE NORTH 16°03' WEST, 924.42 FEET, MORE OR LESS, TO THE WESTERLY BANK OF PORTNEUF RIVER; THENCE NORTH 45°53' WEST, 301.6 FEET, MORE OR LESS, TO THE SOUTH RIGHT OF WAY LINE OF ROAD; THENCE SOUTH 89°53' WEST, 28.6 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPT THEREFROM THAT PORTION OF SAID LAND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 25 FEET NORTH OF THE SOUTHEAST CORNER OF THE SE¼NE¼ OF SAID SECTION; THENCE DUE WEST, 174 FEET; THENCE NORTHEASTERLY 430.70 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF SAID SE¼NE¼, WHICH POINT BEARS NORTH 394 FEET FROM THE POINT OF BEGINNING; THENCE SOUTH 394 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

THAT PORTION OF LOT 5, SECTION 6 TOWNSHIP 6 SOUTH, RANGE 34 E.B.M.,

EXHIBIT A (Continued)

POWER COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 5, OF SECTION 6; THENCE ALONG THE WEST LINE OF SAID SECTION 6, NORTH 894.75 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 79°09' EAST, 967.71 FEET; THENCE SOUTH 36°41' EAST, 440.50 FEET; THENCE SOUTH 25°57' EAST, 413.00 FEET; THENCE NORTH 64°23' EAST 86.50 FEET, MORE OR LESS, TO THE CENTER LINE OF THE PORTNEUF RIVER; THENCE IN A NORTHWESTERLY DIRECTION ALONG THE MEANDERING CENTER LINE OF THE PORTNEUF RIVER, 1799.50 FEET, MORE OR LESS, TO THE INTERSECTION WITH THE WEST LINE OF SAID SECTION 6; THENCE ALONG SAID WEST LINE OF SAID SECTION, SOUTH 443.76 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

CRYSTAL SPRINGS, INC.

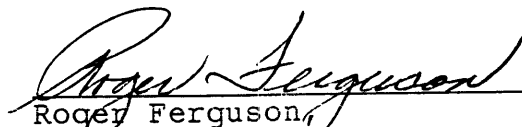
Written Consent of Shareholders and Directors in Lieu of Meeting

The undersigned, being all of the shareholders and Directors of Crystal Springs, Inc., an Idaho corporation (the "Company"), hereby adopt the following resolutions by written consent in lieu of meeting as of June 3, 1996:

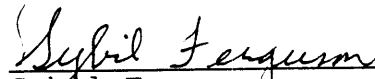
RESOLVED, that the Board of Directors consist of three (3) members and that Michael D. Ferguson, Roger Ferguson and Sybil Ferguson be, and hereby are, elected as directors of the Company until the next annual meeting of shareholders or their successors are elected and qualified.

RESOLVED, that the following persons be, and they hereby are, elected to hold the offices set forth opposite their respective names, each person to hold office until his or her successor is duly elected and qualified, or until he or she shall sooner die, resign or be removed:

<u>Name</u>	<u>Office</u>
Roger Ferguson	President
Michael D. Ferguson	Vice President
Sybil Ferguson	Secretary
Steven J. Hart	Treasurer



Roger Ferguson,
Shareholder and Director



Sybil Ferguson,
Shareholder and Director

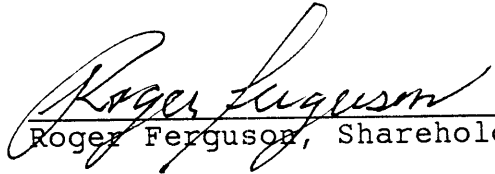
CRYSTAL SPRINGS, INC.

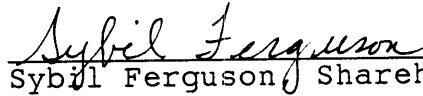
WRITTEN CONSENT OF SHAREHOLDERS IN LIEU OF ANNUAL MEETING

The undersigned, constituting all of the shareholders of Crystal Springs, Inc., an Idaho corporation (the "Company"), pursuant to § 30-1-145 of the Idaho Business Corporation Act, do hereby adopt the following resolutions by written consent in lieu of meeting as of January 31, 1996:

RESOLVED, that Roger Ferguson and Sybil Ferguson be, and hereby are, elected as directors of the Company until the next annual meeting of shareholders or their successors are elected and qualify.

RESOLVED, that the actions of the officers and directors of the Company since the last annual meeting of shareholders of the Company be, and hereby are, authorized, ratified and approved.


Roger Ferguson, Shareholder


Sybil Ferguson, Shareholder

CRYSTAL SPRINGS, INC.

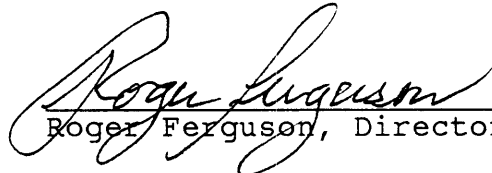
WRITTEN CONSENT OF DIRECTORS IN LIEU OF ANNUAL MEETING

The undersigned, constituting all of the directors of Crystal Springs, Inc., an Idaho corporation (the "Company"), pursuant to § 30-1-44 of the Idaho Business Corporation Act, do hereby adopt the following resolutions by written consent in lieu of meeting as of January 31, 1996:

RESOLVED, that the following individuals be, and hereby are, elected to the offices of the Company set forth opposite their names until the next annual meeting of directors or their successors are elected and qualify:

<u>Name</u>	<u>Office</u>
Roger Ferguson	President
Sybil Ferguson	Vice President and Secretary
Steven J. Hart	Treasurer

RESOLVED, that the actions of the officers of the Company since the last annual meeting of Directors of the Company be, and hereby are, authorized, ratified and approved.



Roger Ferguson, Director



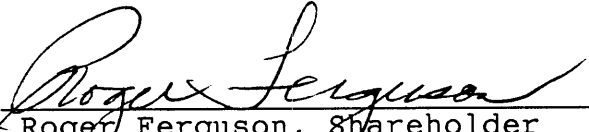
Sybil Ferguson, Director

CRYSTAL SPRINGS, INC.

WRITTEN CONSENT OF SHAREHOLDERS IN LIEU OF ANNUAL MEETING

The undersigned, constituting all of the shareholders of Crystal Springs, Inc., an Idaho corporation (the "Company"), pursuant to § 30-1-145 of the Idaho Business Corporation Act, do hereby adopt the following resolution by written consent in lieu of meeting as of January 31, 1995:

RESOLVED, that Roger Ferguson and Sybil Ferguson be, and hereby are, elected as directors of the Company until the next annual meeting of shareholders or their successors are elected and qualify.


Roger Ferguson, Shareholder


Sybil Ferguson, Shareholder

RECEIVED

OCT 23 2001

Department of Water Resources
Eastern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE WATER RIGHTS FOR FISH) COMMENTS AND
ON THE PAPOOSE SPRINGS FACILITY) EVIDENCE OF
) SCOTT LANCASTER

COMES NOW, Scott Lancaster, and provides the following comments and evidence in this matter:

1. I am a native of Idaho and am familiar with the Portneuf River in the vicinity of Pocatello and in particular the area around the Papoose Springs.
1. I was employed by Aqua Life Inc. on the Papoose Springs fish hatchery in commercial fish production from 1985 through 1990.
- 2 My duties included management of the water supply system from the springs and all tasks involved in commercial production of Rainbow trout.
- 3 During my employment, all flow from the springs was utilized in the raceways and returned to the Portneuf river.
- 4 The hatchery at Papoose springs was also utilized during my employment.
5. Ownership of the place changed hands to Roger Fergeson of Crystal Springs Trout Inc. in 1994.
5. We had a pump in the tailrace which was used to irrigate around the place. Probably about 7 or 8 acres was irrigated as shown on the attached photo map (Exhibit A)

DATED this 16 day of ^{October}~~September~~ 2001

Scott Lancaster
Scott Lancaster

SUBSCRIBED and SWORN to before me this 16 day of ^{October}~~September~~ 2001.

Ayton M. Heath
NOTARY PUBLIC
Residing at Boise, ID 83262
My Commission Expires Jan 18, 2003