

DELOG
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6/13/2003 6-13-03

**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
29-11925					
29-4398					

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) SHANE ELIASON & TAWNIE ELIASON
1063 N. Valleyview Dr., Tremonton, UT 84337
4. New Owner/Claimant(s) ROSE TRUST
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 3398 Highland Drive
- City, State and ZIP Code Salt Lake City, UT 84106
- New Telephone Number (801-466-8118
5. Date you acquired the property May 2, 2003

RECEIVED

JUN 13 2003

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 _____



First American Title Insurance Company

National/Commercial Division
330 East 400 South, Suite 250, Salt Lake City, Utah 84111
(801) 536-3200

May 5, 2003

VIA U.S. MAIL

Attn: Joan Williams
Scott's Land Title Company
P.O. Box 145, 44 North Main Street
Malad City, ID 83252

RE:	Your File No.	P39552-CP
	Our File No.	23006-CP
	Lender:	Western Ag Credit
	Borrower:	The Goldberg Trusts
	Property:	Salt Lake County and Idaho Property

Dear Joan:

Enclosed is a check for \$50.00 made payable to the Idaho Department of Water Resources. It is my understanding that this fee is required in your State to transfer the water. Please forward with Notice of Pledge.

Thanks again for all of your help. It has been a pleasure to work with you!

Please give me a call.

Thank you.

Sincerely,


Cathy C. Prestwich
Licensed Escrow Officer

NOTICE OF PLEDGE

STATE OF IDAHO
Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

Loan No. 6202918501

Attention: State Engineer

Please be notified that
SANDRA GOLDBERG and STANLEY GOLDBERG, Trustees of the ROSE TRUST, dated January 29, 1998
have this date executed a Real Estate Mortgage in favor of the Western AgCredit, FLCA, covering certain land in **Bannock** County, State of **Idaho**, together with all of the Mortgagor's right to use the following:

WATER USER NO. AND PURPOSE OF WATER USE

WUC #29-11925 and #29-4398 for irrigation purposes

The said Real Estate Mortgage, given to secure a promissory note of even date, was recorded

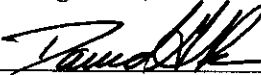
MAY 2, 2003, in the office of the County Recorder of the above referenced County, as

Instrument No. 2031189.

Please file this notice with your records of the above referenced and direct notice of any intended change of the place of use or other change which materially affects the beneficiary's security interest in the said rights to the Western AgCredit, FLCA, 406 West South Jordan Parkway (Suite 500), South Jordan, Utah 84095.

Dated: April 28, 2003

Western AgCredit, FLCA

By: 
David G. Brown
Assistant Vice President

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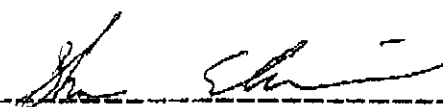
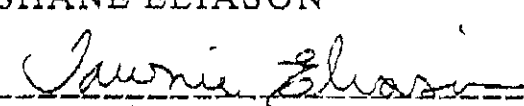
WARRANTY DEED

For Value Received, SHANE ELIASON and TAWNIE ELIASON, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto SANDRA GOLDBERG and STANLEY GOLDBERG, as Trustees of the ROSE TRUST, dated January 29, 1998, the Grantee, whose current address is 3398 Highland Drive, Salt Lake City, UT, 84106, the following described premises in Bannock County, Idaho, to-wit:

SEE SCHEDULE "A" ATTACHED HERETO AND MADE A PART
HEREOF

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 they are free from all encumbrances and that they will Warrant and Defend the same from all lawful claims

Dated April 30, 2003.

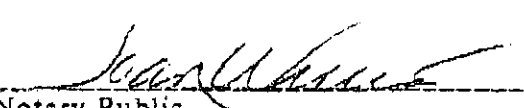
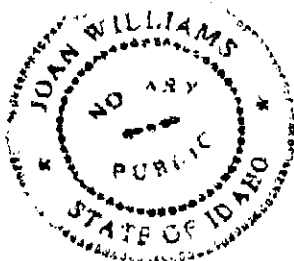

SHANE ELIASON
TAWNIE ELIASON

STATE OF IDAHO
COUNTY OF ONEIDA

ss

On this 30th day of April, 2003, before me, a Notary Public in and for said State, personally appeared SHANE ELIASON and TAWNIE ELIASON, 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 seal the day and year first above written.


Notary Public
Residing at Malad City, ID
My Commission Expires: 5-6-2003

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SCHEDULE "A"

PARCEL 1:

Township 11 South, Range 37 East, Boise Meridian, Bannock County, Idaho:

Section 31: SW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; and the Lots 2 and 3

Township 12 South, Range 37 East, Boise Meridian, Bannock County, Idaho:

Section 5:

A part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$, and a part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, and a part of the NW $\frac{1}{4}$ described as follows:

Commencing at the North Quarter Corner of said Section 5, run thence South 1303 feet to the SE Corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5; thence East 1315.58 feet to the NE Corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5; thence South 1320 feet to the SE Corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5; thence West 137 feet to a stake in South boundary of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5; thence South 31 $\frac{3}{4}$ ° West 260 feet to a stake in the creek; South 45°00' West 675 feet to a stake on the left bank of Marsh Creek; thence meandering along left bank of Creek North 14 $\frac{3}{4}$ ° West 100 feet; North 50° East 81 feet; North 81° East 53 feet; North 43° East 78 $\frac{1}{2}$ feet; North 26° West 130 feet; North 74° West 193 feet; North 37 $\frac{1}{4}$ ° East 105 feet; North 61 $\frac{1}{2}$ ° West 174 feet; South 87° West 106 feet; South 62 $\frac{3}{4}$ ° West 149 feet; South 45 $\frac{3}{4}$ ° West 100 feet; South 82° West 85 feet; North 53° West 363 feet crossing the Creek from the left bank to the right bank; thence meandering along right bank of Marsh Creek South 88° West 84 feet; North 21 $\frac{3}{4}$ ° West 267 feet; North 70° West 130 feet; North 21 $\frac{1}{2}$ ° West 288 feet; North 70 $\frac{3}{4}$ ° West 404 feet; South 55° West 171 feet; North 61° West 78 feet; North 38° West 87 feet; North 53 $\frac{1}{2}$ ° West 113 feet; North 12 $\frac{3}{4}$ ° West 132 feet; North 38 $\frac{1}{2}$ ° West 168 feet; North 5 $\frac{1}{2}$ ° West 99 feet; North 66° West 270 feet; North 45 $\frac{1}{4}$ ° West 194 feet; North 80 $\frac{1}{2}$ ° West 88 feet; North 44 $\frac{1}{4}$ ° West 155 feet; North 67 $\frac{1}{4}$ ° West 241 feet; South 70° West 96 feet; North 37 $\frac{1}{4}$ ° West 181 feet to a stake in the West line of Section 5, Township 12 South, Range 37 E.B.M.; thence North 1000.40 feet along the West boundary of Lot 4 in said Section 5 to the NW Corner of said Section 5; thence South 89°50' East 2640 feet along North boundary of Section 5 to the place of beginning.

EXCEPTING:

S $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 5, Township 12 South, Range 37 E.B.M., Bannock County, Idaho.

PARCEL 2:

A Sixty (60') foot wide ingress/egress easement located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, Township 11 South, Range 37 East, Boise Meridian, Bannock County, Idaho, and more particularly described as follows:

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Beginning at the Southwest Corner of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 31, thence North 1240 feet, more or less, along the West boundary of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ to the Southerly right of way line of Highway 40 (F.A.P. S-1751 (1)); Thence South 89°30'36" East 58 feet, more or less, along said Southerly right of way line to a right of way monument at Highway Station 62+00, 70 feet right of centerline; thence North 84°46'46" East 2 feet, more or less, along said right of way line to a point that is 60.00 feet East of the West boundary of said NE $\frac{1}{4}$ NE $\frac{1}{4}$; thence South 1300 feet, more or less, along a line 60.00 feet East of and parallel with the West boundary of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ to a point that is 60.00 feet South of the North boundary of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 60.00 feet East of the West boundary of said SE $\frac{1}{4}$ NE $\frac{1}{4}$; thence West 60.00 feet, more or less, to a point on the West boundary line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ that is 60.00 feet South of the point of beginning; thence North 60.00 feet along the West boundary of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ to the point of beginning

PARCEL 3:

A right of roadway leading from Old U.S. Highway 191 to the property lying West of the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 5, Township 12 South, Range 37 East, Boise Meridian, Bannock County, Idaho, as the same now exists.

TOGETHER WITH the right of ingress and egress for the purpose of maintaining a spring and conveying the water therefrom in the ditches as the same now exists on the following described property:

Township 12 South, Range 37 East, Boise Meridian, Bannock County, Idaho: Section 5, S $\frac{1}{2}$ NE $\frac{1}{4}$

EXCEPTING THEREFROM THE FOLLOWING:

That portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, Township 12 South, Range 37 East, Boise Meridian, Bannock County, Idaho, included in the following description: A strip of land 66 feet wide being 33 feet on each side of the following described center line: Beginning at a point 154 feet, more or less, West of the Quarter Corner of Section 5, Township 12 South, Range 37 East, Boise Meridian, Bannock County, Idaho; thence North 24° East a distance of 250 feet, more or less; thence on a 80° curve to the right a distance of 95 feet, more or less, to a point of ending on the Section line.

TOGETHER WITH the water and water rights in and to a spring rising upon the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 5, Township 12 South, Range 37 East, Boise Meridian, Bannock County, Idaho, and TOGETHER WITH the right of ingress and egress for the purpose of maintaining and conveying the water from said spring in the ditches as the same now exists.

TOGETHER WITH water rights filed with the State of Idaho, Department of Water Resources, under water right No. 29-11925 and water right No. 29-4398.

TOGETHER WITH all Sellers' interest in and to all oil, gas, mineral, and geothermal rights

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FIRST AMERICAN TITLE

RECORDED AT REQUEST OF

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2003 MAY 2 PM 4 07

OFFICIAL RECORD BOOK 825
LARRY W. HAN RECORDER
BANNOCK COUNTY IDAHO



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 13, 2003

JOAN WILLIAMS
SCOTTS LAND TITLE CO
PO BOX 145
MALAD ID 83252

RE: RET'D CHECK 3701561 FOR \$50 (CHANGE OF OWNERSHIP ELIASON – ROSE TRUST)

Dear Ms. Williams:

I am returning the above referenced check because a fee is not required to change the ownership of an adjudication claim.

Sincerely,

A handwritten signature in cursive script that reads 'Jennifer Crabtree'. The signature is written in dark ink and is positioned above the printed name and title.

Jennifer Crabtree
Technical Records Specialist

Enclosure

First American Title Insurance Agency, Inc. National Commercial Services, Salt Lake City (cp/ij)

CHECK NO. 3701561

PR NATLAC Ofc. 370

DATE: 05/05/2003

FILE NO. NCS-23006-SLC

SETTLEMENT DATE:

CHECK AMOUNT: \$50.00

BUYER: Goldberg

SELLER:

Property Address: See attached legal description, Salt Lake City, UT

New Loan Costs

Charge Details:

Re:

Thank you for doing business with First American Title Insurance Agency, Inc. National Commercial Services

ORIGINAL DOCUMENT IS PRINTED ON CHEMICAL REACTIVE PAPER & HAS A MICROPRINTED BORDER



First American Title Insurance Agency,
Inc. National Commercial Services
330 East 400 South, Suite 250
Salt Lake City, UT 84111
(801) 536-3100

PR NATLAC
Ofc. 370

Wells Fargo Bank, N.A.

3701561

93-516/929

Date: 05/05/2003

FILE NO. NCS-23006-SLC

PAY

*****\$50.00*****

DOLLARS

\$*****50.00

Escrow Trust Account

Brian Stanley

TO THE
ORDER
OF

Idaho Department of Water Resources

Re:

THE FACE OF THIS DOCUMENT INCLUDES A HIDDEN WORD - DO NOT CASH IF THE WORD VOID IS VISIBLE
3701561 092905168 4990001341

First American Title Insurance Agency, Inc. National Commercial Services, Salt Lake City

CHECK NO. 3701561

PR NATLAC Ofc. 370

(cp/ij)

Wells Fargo Bank, N.A. Acct# 4990001341 ABA# 092905168

DATE: 05/05/2003

FILE NO. NCS-23006-SLC

SETTLEMENT DATE:

CHECK AMOUNT: \$50.00

PAY TO THE ORDER OF: Idaho Department of Water Resources

BUYER: Goldberg
SELLER:
New Loan Costs
Re:

Property Location: See attached legal description, Salt Lake City, UT

Charge Details:

Scott's Land Title Co.
44 Main Street, P. O. Box 145
Malad City, Idaho 83252
Telephone (208) 766-4000
Fax: (208) 766-9000

June 12, 2003

State of Idaho
Department of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

Dear Sir/Madame

Enclosed is a Notice of Change in Water Right. I was requested by a title company in Salt Lake City to forward a check and their documentation to you; however, they did not include the Notice of Change. I prepared a Notice of Change and sent to the new Buyer, but they have never returned it to me. I have called and written but receive no reply. ~~Can this be changed without the new Buyer signing the Notice of Change in Water Right?~~

Please contact me if the change cannot be made without their signature.

Very truly yours,

SCOTT'S LAND TITLE CO.



BY: Joan Williams

jw

Enclosures

RECEIVED

JUN 13 2003

Department of Water Resources
Eastern Region