

RECEIVED

JUL 19 2002

WATER RESOURCES  
WESTERN REGIONSTATE 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.

1. Water Right No(s).: A29-07386  
 Adjudication Claim No(s).: AJ5809WP --
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 attached to your deed or on file with the county.)
  - OR
  - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant JAY P. MERKLEY
4. New Owner/Claimant(s) JAMES E. ROGERS AND BEVERLY A. ROGERS  
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or  
 New Mailing Address 1500 FOREMASTER LANE  
 City, State and ZIP Code LAS VEGAS, NEVADA 89101  
 New Telephone Number (702) 642-3333
5. Date you acquired the property \_\_\_\_\_
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 space below. If necessary, attach additional pages.  
 Number of acres you irrigate 10.17 Number and type of stock --  
 Diversion rate in CFS .240 Number of homes -- Other uses --  
 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 or Claimant(s) James E. Rogers  
Beverly A. Rogers  
 (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

 RECEIVED  
 JUL 24 2002  
 Department of Water Resources  
 Eastern Region  
 RECEIVED  
 JUL 11 2002  
 Department of Water Resources  
 Eastern Region  
 DELEG CS 7/17/02



A Pioneer Company  
**PIONEER TITLE COMPANY**  
 OF BANNOCK COUNTY  
 135 North Arthur Ave / Pocatello, Idaho 83204 / (208)  
 233-9595

RECEIVED  
 JUL 4 2002  
 Department of Water Resources  
 Eastern Region

RECEIVED  
 JUL 11 2002  
 Department of Water Resources  
 Eastern Region

20213933

2-1

Order No. 20020031 SMK BK

## WARRANTY DEED

For Value Received

Jay P. Merkley, an unmarried person

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

James E. Rogers and Beverly Rogers, husband and wife

hereinafter referred to as Grantee, whose current address is

1500 Foremaster Lane, Las Vegas, NV 89101

the following described premises, to-wit:

LEGAL DESCRIPTION EXHIBIT "A" ATTACHED

Together with all appurtenant irrigation water and ground water rights, including ground water rights license no. A29-07386 issued by the Idaho Department of Water Resources.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: July 2, 2002

  
 Jay P. Merkley

STATE OF IDAHO

COUNTY OF BANNOCK

On this 3<sup>rd</sup> day of JULY, in the year of 2002, before me, the undersigned, notary public personally appeared JAY P. MERKLEY, known or identified to me to be the person/persons whose name is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

NOTARY SEAL

No. 20213933

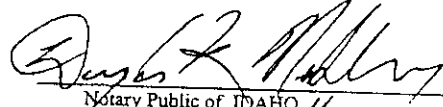
Recorded at request of

PIONEER TITLE

Date: 7-8-02 12:29 PM

Official Record Book 814

Bannock County Recorder  
 Fee 6.00 Deputy \$

  
 Notary Public of IDAHO  
 Residing at Pocatello  
 Commission expires: 7-9-03

2-2  
EXHIBIT A

20213933

A parcel of land located in the Northeast Quarter of Section 18, Township 7 South, Range 35 East, Boise Meridian, Bannock County, Idaho, more particularly described as follows:

Commencing at the Northeast corner of Section 18, a found Bannock County Monument-Instr# 607517, the True Point of Beginning;

Thence North  $89^{\circ}25'29''$  West (Rec. West) along the North line of Section 18 a distance of 1,326.55 feet to a point from which the North Quarter of Section 18- Instr# 768900 bears North  $89^{\circ}25'29''$  West and is 1,316.42 distant; thence South  $12^{\circ}27'55''$  East a distance of 133.57 feet; thence South  $0^{\circ}30'31''$  West a distance of 209.93 feet to the South line of Instr# 349148;

Thence South  $89^{\circ}25'34''$  East (Rec. East) along the South line of Instr# 349148 a distance of 1,298.49 feet to the East line of Section 18; thence North  $0^{\circ}11'04''$  East along the East line of Section 18 a distance of 340.03 feet (Rec. North  $0^{\circ}27'$  West 340.0 feet) to the True Point of Beginning.



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

July 23, 2002

LAMONT JONES  
JONES CHARTERED  
PO BOX 967  
POCATELLO ID 83204-0967

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP  
NOTICE(S) OF CLAIM TO A WATER RIGHT 29-7386

Dear Mr. Jones:

Enclosed is the Notice of Change of Water Right Ownership for the Oregon Trail Broadcasting Co. I forwarded your request to change 29-11209 to our state headquarters in Boise for processing. If you would like to follow up on the status of this change, please contact Kari Lynn Townsend at (208) 327-7900.

Respectfully yours,

Jennifer Crabtree  
Technical Records Specialist

Enclosure

**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.

RECEIVED  
 JUN 17 2002  
 Department of Water Resources  
 Eastern Region

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<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| A29-07386             | AJ5809WP                     | ___   | _____                 | _____                        | ___   |
| _____                 | _____                        | ___   | _____                 | _____                        | ___   |
| _____                 | _____                        | ___   | _____                 | _____                        | ___   |
| _____                 | _____                        | ___   | _____                 | _____                        | ___   |
| _____                 | _____                        | ___   | _____                 | _____                        | ___   |

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) James E. Rogers and Beverly A. Rogers  
1500 Foremaster Lane, Las Vegas, Nevada 89101
4. New Owner/Claimant(s) Oregon Trail Broadcasting Company, Inc.  
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 1500 Foremaster Lane
- City, State and ZIP Code Las Vegas, Nevada 89101
- New Telephone Number (702) 642-3333
5. Date you acquired the property July 2, 2002

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<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

7. Signature of New Owner(s) or Claimant(s) \_\_\_\_\_  
(include title if applicable)
- James E. Rogers* James E. Rogers  
*Beverly Rogers* Beverly Rogers

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 \_\_\_\_\_

**WARRANTY DEED**

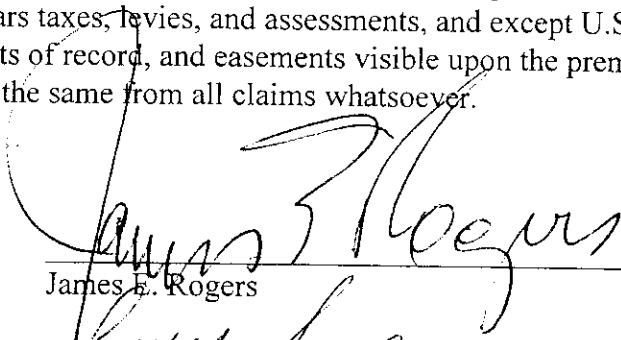
**FOR VALUE RECEIVED**, James E. Rogers and Beverly Rogers (a/k/a Beverly A. Rogers), husband and wife, hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto Oregon Trail Broadcasting Co., a Nevada Corporation hereinafter referred to as Grantee, whose current address is 1500 Foremaster Lane, Las Vegas, Nevada 89101 the following described premises, to-wit:

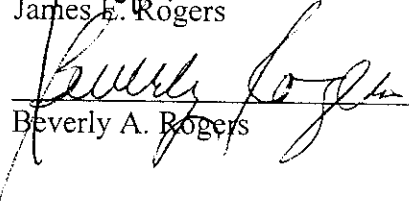
**LEGAL DESCRIPTION EXHIBIT "A" ATTACHED**

Together with all appurtenant irrigation water and ground water rights, including ground water rights license no. A29-07386 issued by the Idaho Department of Water Resources

**TO HAVE AND TO HOLD** the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

**DATED:** July 11, 2002

  
James E. Rogers

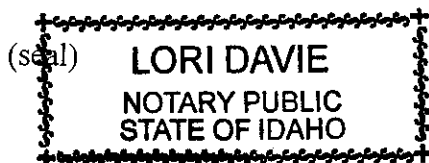
  
Beverly A. Rogers

**STATE OF IDAHO )**

**:SS**

**County of Bannock )**

On this 11<sup>th</sup> day of July, in the year 2002, before me, the undersigned, notary public personally appeared James E. Rogers and Beverly A. Rogers, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



  
**NOTARY PUBLIC OF IDAHO**

Residing at: Pocatello, Idaho

Commission Expires: 11-21-2007

2-2

20214325

## EXHIBIT A

A parcel of land located in the Northeast Quarter of Section 18, Township 7 South, Range 35 East, Boise Meridian, Bannock County, Idaho, more particularly described as follows:

Commencing at the Northeast corner of Section 18, a found Bannock County Monument-Instr# 607517, the True Point of Beginning;

Thence North 89°25'29" West (Rec. West) along the North line of Section 18 a distance of 1,325.55 feet to a point from which the North Quarter of Section 18- Instr# 768900 bears North 89°25'29" West and is 1,316.42 distant; thence South 12°27'55" East a distance of 133.57 feet; thence South 0°30'31" West a distance of 209.93 feet to the South line of Instr# 349148;

Thence South 89°25'34" East (Rec. East) along the South line of Instr# 349143 a distance of 1,293.49 feet to the East line of Section 18; thence North 0°11'04" East along the East line of Section 18 a distance of 340.03 feet (Rec. North 0°27' West 340.0 feet) to the True Point of Beginning

NO 20214325

RECORDED AT REQUEST OF

Lamont Jones

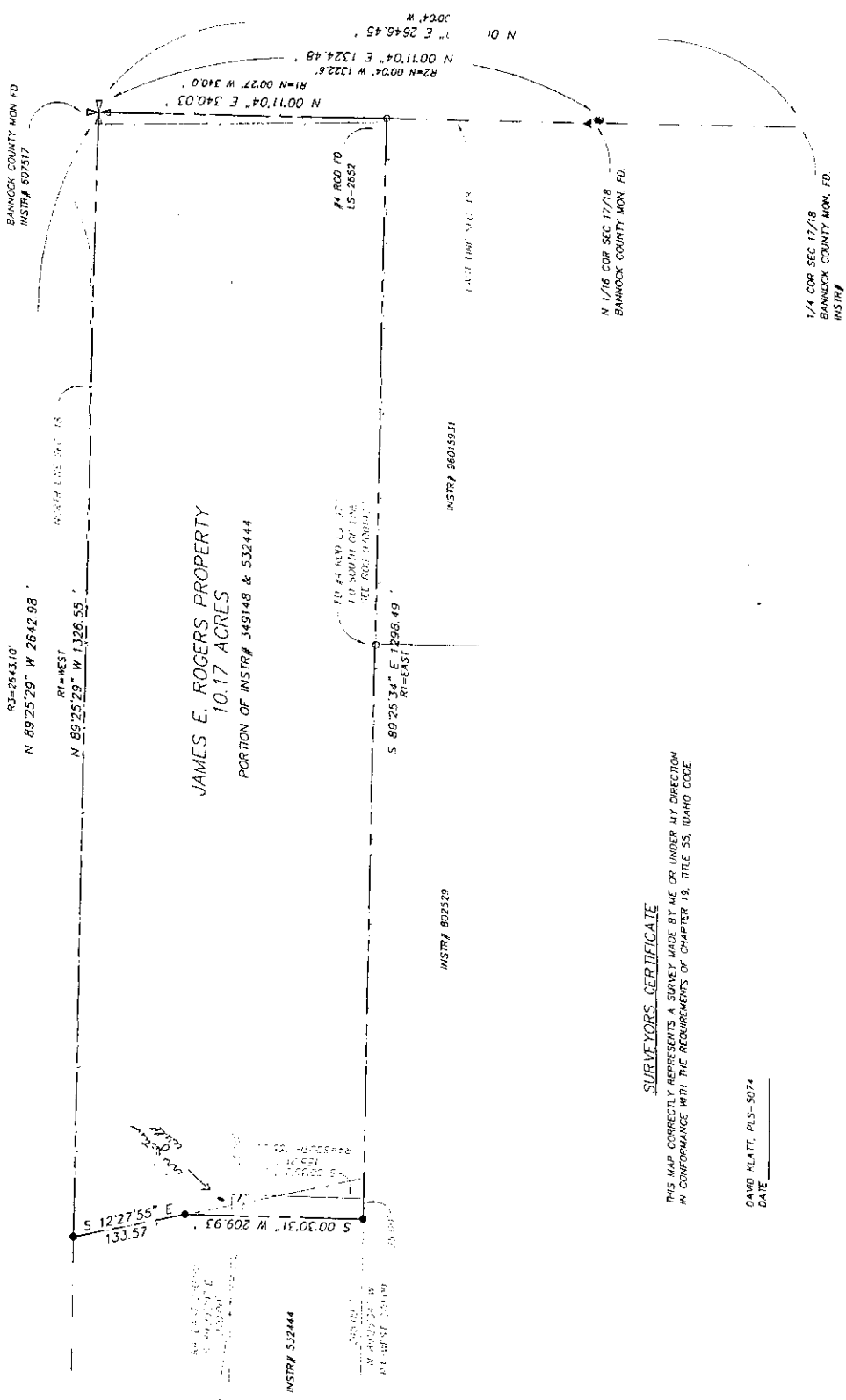
2002 JUL 12 AM 9 12

OFFICIAL RECORD BOOK NO 814

BANNOCK COUNTY IDAHO

LARRY W GHAN RECORDER

FEE 6.00 DEPUTY MW



**SURVEYORS CERTIFICATE**

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF CHAPTER 19, TITLE 55, IDAHO CODE.

DAVID KLATT, PLS-5074  
DATE \_\_\_\_\_

**COUNTY RECORDER**

INSTRUMENT NO. \_\_\_\_\_  
STATE OF IDAHO \_\_\_\_\_  
COUNTY OF \_\_\_\_\_  
RECORDED AT THE REQUEST OF DAVID KLATT  
TIME: \_\_\_\_\_ DATE: \_\_\_\_\_ FEE: \_\_\_\_\_  
BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_

COUNTY CLERK LARRY W. CHAN

**PRELIMINARY**

RECORD OF SURVEY

JAMES E. ROGERS  
LOCATED IN THE NE 1/4 SECTION 18 T.7S., R.35E., RM  
BANNOCK COUNTY, IDHAO

DAVID KLATT SURVEYING SERVICE  
416 S. 4th AVE.  
POCATELLO, IDAHO 83201  
208-232-8396

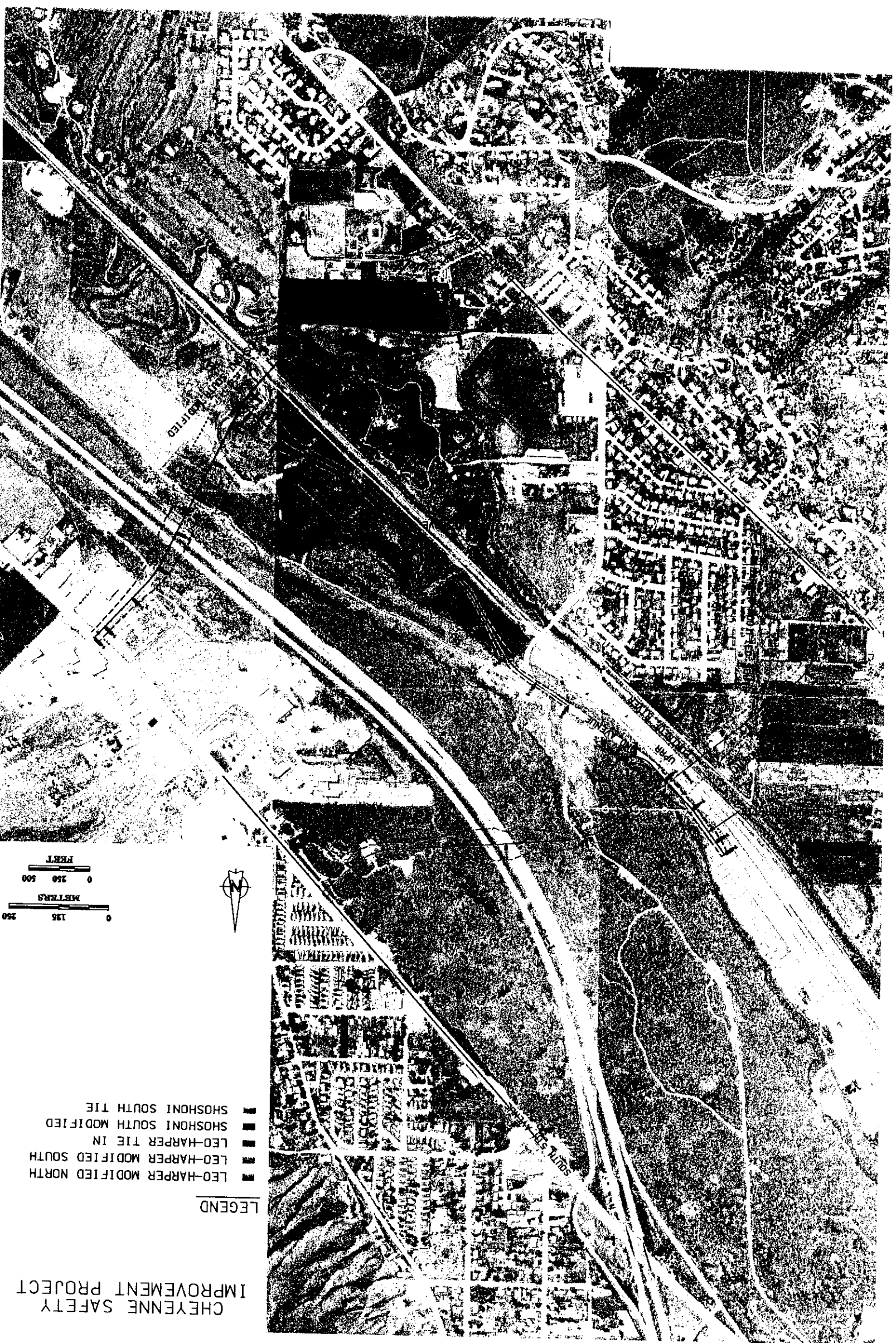
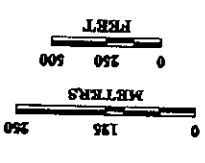
Sheet 1 of 1

Drawn by D.K.

# CHEYENNE SAFETY IMPROVEMENT PROJECT

## LEGEND

- LEO-HARPER MODIFIED NORTH
- LEO-HARPER MODIFIED SOUTH
- LEO-HARPER TIE IN
- SHOSHONI SOUTH MODIFIED
- SHOSHONI SOUTH TIE



LAW OFFICES  
**JONES, CHARTERED**  
203 SOUTH GARFIELD  
P.O. BOX 967  
POCATELLO, IDAHO 83204-0967

LAMONT JONES  
JACK H. ROBISON  
THOMAS J. HOLMES  
MATTHEW O. PAPPAS

TELEPHONE: (208) 232-5911  
FAX: (208) 232-5962  
E-MAIL: [jhrobison@joneschartered.com](mailto:jhrobison@joneschartered.com)

July 15, 2002

Idaho Department of Water Resources  
Eastern Region  
900 N. Skyline Drive, Suite A  
Idaho Falls, Idaho 83402-1718

RECEIVED  
JUL 17 2002  
Department of Water Resources  
Eastern Region

*claim*  
RE: License No. 29-07386 and License No. 29-11209 - *pd.*

Ladies and Gentlemen:

Please find enclosed an executed Notice of Change of Water Right Ownership from Mr. and Mrs. James Rogers to Oregon Trail Broadcasting Company, Inc. for each of the above referenced licenses, together with copies of recorded Deeds, surveys and aerial photos of the properties located in Pocatello, Bannock County, Idaho.

Sincerely,

  
Lamont Jones

LJ:ld  
Enclosures  
c:\lamont\july02\rogers07101