

RECEIVED

JUN 15 2007

DEPARTMENT OF
WATER RESOURCES

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 IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
AJ 37-4366					

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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. 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 or equivalent **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)	Earl M. Hardy
4. New Owner/Claimant(s)	Hardy Properties, L.P.
	Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address	1301 Vista Ave.
City, State and ZIP Code	Boise, Idaho 83705
New Telephone Number	(208) 342-0090

5. Date you acquired the property _____

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

7. Signature(s) of New Owner(s) or Claimant(s) HARDY PROPERTIES, L.P.
KAT HARDY, GENERAL PARTNER (title if applicable)
Kat Hardy (title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____	Date _____	Receipt Amt. _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

SOUTHERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
~~Interim~~ Director

July 6, 2007

HARDY PROPERTIES LP
1301 VISTA AVE
BOISE ID 83705

Re: Change in Water Right Ownership for Water Right 37-4366

Dear Ms. Hardy:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

X **Evidence of Water Right Ownership:** copy of your Warranty Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question.

Because the Department cannot process the ownership change without proper documentation, we will hold any action on your notice pending receipt of the necessary paperwork. Thank you for your prompt attention to this matter and feel free to contact this office with any questions you may have.

Sincerely,

Trish Fawcett

Technical Records Specialist

LAW OFFICE

THORNTON • BYRON LLP

TAX • BUSINESS • ESTATE PLANNING • WEALTH PRESERVATION

RIVERFRONT PLAZA
3101 W. MAIN, SUITE 200
BOISE, IDAHO 83702-2099

P.O. BOX 7156
BOISE, IDAHO 83707-1156

TELEPHONE: 208-344-8600
FACSIMILE: 208-344-8720

Trish Fawcett
Technical Records Specialist
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Re: Change in Water Right Ownership for Water Right 37-4366

Dear Ms. Fawcett:

Enclosed please find a copy of the recorded Bargain and Sale Deed conveying ownership of the property to Hardy Properties L.P.

If you have any questions or if you need additional information to process the change of ownership, please call. We look forward to hearing from you.

Very truly yours,



Gayle C. Root
Legal Assistant

/gcr

Enclosure

cc: Anita Kay Hardy

RECEIVED

AUG 8 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

August 8, 2007

D. JOHN THORNTON, P.A.
GREGORY A. BYRON, LL.M., P.A.
AMBER MYRICK BELEW, LL.M., P.A.

KEVIN C. BELEW, LL.M.
JOSEPH S. KOZLOWSKI, LL.M.
GREGG P. BENSON, LL.M.
RICHARD M. WEBER, JR., LL.M.

JUSTIN C. JONES, LL.M., P.C.
OF COUNSEL

*LICENSED TO PRACTICE IN
IDAHO, ARIZONA, COLORADO, NEVADA,
OREGON, WASHINGTON*

*STRATEGIC LEGAL ALLIANCES:
CALIFORNIA, UTAH*

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

THORNTON BYRON LLP
1101 W. RIVER STREET, SUITE 340
P.O. Box 7156
BOISE, ID 83707-1156
208/344-8600

Instrument # 196626

GOODING, GOODING, IDAHO

2002-08-26

09:46:47 No. of Pages: 4

Recorded for: THORNTON BYRON LLP

HELEN EDWARDS

Fee: 12.00

Ex-Officio Recorder Deputy

(SPACE ABOVE LINE FOR RECORDER'S USE)

BARGAIN AND SALE DEED

* * * * *

FOR VALUE RECEIVED, ESTATE OF EARL M. HARDY, DECEASED, as Grantor, does hereby grant, bargain, sell and convey unto HARDY PROPERTIES L.P., an Idaho limited partnership, whose current address is 1301 S. Vista Avenue, Boise, Idaho 83705, as Grantee, all that certain real property located in Gooding County, Idaho, more particularly described as follows:

TOGETHER WITH all improvements, easements, hereditaments and appurtenances thereto, and subject to such rights, easements, covenants, restrictions and zoning regulations as appear of record or based upon the premises.

IN WITNESS WHEREOF, Grantor has hereunto subscribed its name to this instrument effective the first day of August, 2002.

GRANTOR:

ESTATE OF EARLY M. HARDY, DECEASED

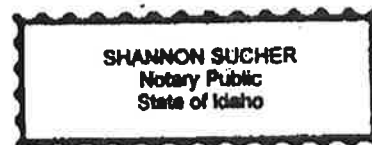
By: Anita Kay Hardy, Personal Representative
ANITA KAY HARDY, Personal Representative

STATE OF IDAHO)
 SS.
COUNTY OF ADA)

On this 22 day of August, 2002, before me, the undersigned Notary Public in and for said State, personally appeared ANITA KAY HARDY, known or identified to me to be the Personal Representative of the ESTATE OF EARL M. HARDY, DECEASED, the within named Estate, and the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for and in behalf of said Estate.

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

Shannon Sucher
NOTARY PUBLIC, State of Idaho
Residing at US Bank
My commission expires: May 17 2008



My Commission Expires On
May 17, 2008

EXHIBIT A

Parcel RP07S13E020787A

Parcel 1

Township 7 South Range 13 East of the Boise Meridian, Gooding County, Idaho.

Section 2: Part of Lot 2 described as follows:

Beginning at the North quarter corner of Section 2, the true point of beginning;

Thence N 89° 47' 20" E, 739.22 feet along the North boundary of Section 2 to the Westerly right-of-way of U.S. Highway 30, State Highway Project No. F 2361(18);

Thence S 0° 42' 29" E, 191.80 feet to a concrete right-of-way monument marked "50' Rt. Sta. 221 + 97.10 P.S.C.";

Thence S 4° 17' 29" E, 313.53 feet along the chord of a 1° 30' curve left having a radius of 3869.17 and an arc length of 313.61 to a concrete right-of-way monument marked "50' Rt. Sta. 225 + 07";

Thence S 0° 15' 57" W, 112.82 feet to a point on the Westerly right-of-way of said Highway;

Thence N 82° 05' 32" W, 68.11 feet to the center of a certain stream;

Thence continuing along said stream the following courses:

N 58° 07' 45" W, 179.13 feet;

N 28° 10' 07" W, 73.71 feet;

S 72° 29' 05" W, 83.65 feet;

N 82° 48' 56" W, 111.87 feet;

N 21° 03' 11" W, 131.78 feet;

Thence departing from center of said stream S 53° 13' 39" W, 66.55 feet along the top of a rim rock;

Thence S 58° 06' 45" W, 164.96 feet along said rim rock;

Thence S 41° 06' 12" W 113.94 feet along said rim rock to a point in the Westerly boundary of Lot 2;

Thence N 0° 24' 56" W, 546.67 feet along said Westerly boundary of Lot 2 to the true point of beginning.

Parcel 2

Easement for ingress and egress for benefit of Parcel (1) as created by deed by the State of Idaho, recorded May 23, 1974 as microfilmed instrument No. 50419, records of Gooding County, over and upon the following described land: A parcel of land 30.0 feet in width, to, from, and between the right of way of the public way identified as U.S. Highway No. 30, Project No. F-2361(18) Highway Survey as described in that certain Warranty Deed dated July 6, 1962, recorded

August 3, 1962, as microfilmed instrument No. 5263, records of Gooding County, State of Idaho, and the abutting property being on the right (Westerly) side of the Highway opposite and centering on Station 220+88 of said Highway Survey, and that no additional approaches will be allowed between Station 220+13.6 (Northerly property line) and Station 226+35 (Southerly property line) of said Highway Survey.

Together with all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW Ident. Number A36-10912 and NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW Ident. Number A37-04366 in accordance with the general and adjudication of rights to the use of water from the Snake River Basin Water System.