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JUL 17 2007

Department of Water Resources
Eastern Region

Form 42-248/42-1409(6) 12/2006

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).

ADJ
needs
NCTP

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
22-2223	A-2202223				

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) Norman N. Riley and Robin H. Riley
1623 W 3400 S, Rexburg, ID 83440
4. New Owner/Claimant(s) Spiral Butte Development, LLC
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 3190 S Highway 91
- City, State and ZIP Code Rexburg, Idaho 83440
- New Telephone Number (208) 356-9180

5. Date you acquired the property

October 25, 2002

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)

James Harkley Manager
 (title if applicable)
MANAGER, SPIRAL BUTTE DIV. LLC
 (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 _____
 Received by _____ Date _____
 Processed by _____ AJ Date _____

Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____

CORRECTION
WARRANTY DEED

This deed is re-recorded to correct a clerical error in the legal description, Exhibit "A".

NORMAN N. RILEY and ROBIN H. RILEY, husband and wife, as GRANTORS, for a good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto SPIRAL BUTTE DEVELOPMENT, LLC, an Oregon Limited Liability Company, of 39 S. 2nd West, Rexburg, Idaho, 83440, as GRANTEE, and to GRANTEE'S successors and assigns forever, a certain tract of land located in Madison County, Idaho, and more particularly described as follows:

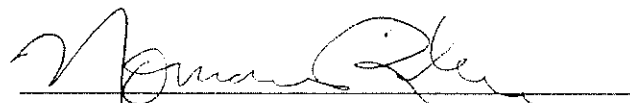
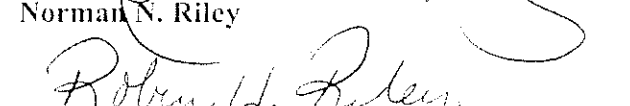
See Exhibit "A" attached.

GRANTORS, for themselves, their beneficiaries and assigns do hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the GRANTEE, his successors and assigns forever against the lawful claims of all persons.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, GRANTORS have hereunto subscribed their names to this instrument this 25th day of October, 2002.

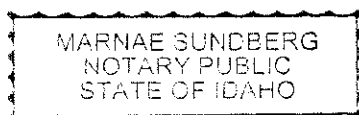
GRANTORS:

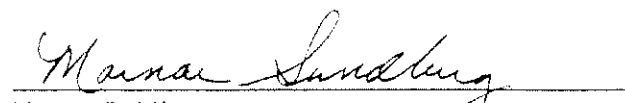

Norman N. Riley

Robin H. Riley

STATE OF IDAHO)
 :SS
County of Madison)

On this 25th day of October, in the year of 2002, before me, a Notary Public in and for said State, personally appeared Norman N. Riley and Robin H. Riley, husband and wife, known to me to be 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 in this certificate first above written.




Notary Public
Residing In: Rexburg
My Commission Expires: 11-15-2005

Instrument # 299204

REXBURG, MADISON, IDAHO
2002-10-30 03:25:00 No. of Pages: 2
Recorded for ALLIANCE TITLE AND ESCROW
MARILYN R. RASMUSSEN Fee: 6.00
Ex-Officio Recorder Deputy

WARRANTY DEED
5097-WDPALMER

EXHIBIT "A"
(Legal Description)

A certain tract of land located in Madison County, Idaho, and more particularly described as follows:

A tract of land described as follows which is situated in Sections 2, 3, 10 and 11, in Township 5 North, Range 40 East, Boise Meridian. Beginning at the Northwest corner of said Section 2, and running thence South 89°57' East 1331 feet, to the Northeast corner of Lot 4 of said Section 2; thence South 0°02' East 599.76 feet, along the sixteenth line, to the Northeasterly corner of the property owned or formerly owned by Wes Howe; thence along the boundaries of said property the following two (2) courses: (1) South 69°58'25" West 541.60 feet; thence (2) South 32°16'56" East 953.83 feet, to said sixteenth line; thence South 0°02' East 118.67 feet along said line, to its intersection with the West side of a county road; thence along said West side the following three courses: (1) South 32°15' East 1483.2 feet; thence (2) South 0°10' East 735 feet; thence (3) South 39°08' East 671.2 feet; thence South 23°10' West 258.6 feet; thence South 14°45' West 251.9 feet; thence South 0°44' East 262.8 feet; thence South 2°48' West 240.9 feet; thence South 7°50' West 200 feet; thence South 11°29' West 286.6 feet; thence South 10°17' West 154.2 feet; thence South 7°08' West 260 feet; thence South 12°50' West 200.8 feet; thence South 19°00' West 153 feet; thence South 90°7' West 100 feet; thence South 2°23' East 247.1 feet; thence South 28°40'30" East 495.5 feet (deed shows South 28°50' East 484.5 feet); thence South 2°57' East 65.8 feet; thence North 89°57' West 3156.6 feet; thence North 0°01'14" West (deed shows North) 7281.2 feet to the North line of said Section 3; thence South 89°49' East 787.3 feet along the Section line to the point of beginning.

With all water, water rights, ditch and ditch rights, of every nature including License and Adjudication No. A22-02223 for 3.87 cfs with a priority date of May 25, 1962 from a well, and License and Adjudication No. A-22-7280 for 4.27 cfs with a priority date of June 27, 1978 from a well, and all other water rights which may be associated or referred to in that certain Mortgage, Instrument No.: 278514 recorded May 10, 1998, records of Madison County, Idaho

Together with any and all fixtures and appurtenances.

**RE: SPIRAL BUTTE DEVELOPMENT, LLC
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

NOTICE IS HEREBY GIVEN that Ronald L. Swafford is appearing as the attorney of record for the Spiral Butte Development, LLC, Change of Water Right Ownership. Please direct any further correspondence or communication to Ronald L. Swafford, Attorney at Law, 525 Ninth Street, Idaho Falls, ID 83404.

DATED this 17th day of July, 2007.



RONALD L. SWAFFORD, ESQ.

Telephone: 208-524-4505
Facsimile: 208-524-4131