

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

RECEIVED

APR 15 2008

DEPARTMENT OF
WATER RESOURCES

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)
PD 22-7493					
PD 22-7495					
FWD to →	22-7090				
Adj. →	22-2251				

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) Zollinger Farms Inc
H Leroy Zollinger
8611 Brynwood

4. New Owner/Claimant(s) Boise Id 83704
 Name Connector (Check one): ☐ and, ☒ or, ☐ and/or
Stan or Pauline Sutton

New Mailing Address _____

City, State and ZIP Code 578 East 7000 South Rexburg Id. 83440

New Telephone Number (208) 356-3562 Email: _____

5. Date you acquired the property February 4th 1994

Notice of Change in Water Right Ownership - Form, Page 1 of 2

SUPPORT DATA
 IN FILE # 22-7493

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)

Stanley Sutton
Pauline Sutton

(title if applicable)

(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 *AW*
Received by
Processed by AJ

Date 4/15/09
Date 4/15/09
Date

Receipt Amt. 0081624
Receipt No. 25.00
WR Date

RECEIVED

FEB 29 2008

C/O: Emalee Rushing
2/28/08

DEPARTMENT OF WATER RESOURCES

In November 2007 a request was made to change ownership for water rights, by adding Kirt and Lori Sutton and deleting Bret Sutton who is, "deceased," and deleting Frankie Sue Sutton his wife, from the water rights. I was sent a notice that Kirt and Lori Sutton had been added as co-owners to the water rights, however Bret and Frankie Sue had not been deleted. I have included a Grant deed showing the transfer of property and all water rights wells, pumps, etc. At this time all we need to do is delete Bret and Frankie Sue Sutton from co-ownership of water rights. In February of 2009 I will be making final payment on the property and all water rights will be transferred to Kirt and Lori Sutton as new ownership by warranty deed from Zollinger Farm Inc. Feel free to contact Leroy Zollinger on this matter if you need to, or contact me for more information.

Kirt Sutton
864 East 7156 South
Rexburg, ID 83440
1-208-356-6356 - Home
1-208-390-6356 - Cell
1-208-356-7483 - Fax

Kirt Sutton

GRANT DEED**COPY**

FOR VALUE RECEIVED, **FRANKIE SUE SUTTON**, as Personal Representative of the **ESTATE OF BRET J. SUTTON**, deceased, with the Estate pending in the Seventh Judicial District in and for the County of Madison, Case No. CV-05-251, and **FRANKIE SUE SUTTON**, a widow, of 390 East 7000 South, Rexburg, Idaho 83440, collectively as to an undivided Fifty Percent (50%) interest, hereinafter "Grantors," do hereby grant and convey to **STANLEY B. SUTTON** and **PAULINE SUTTON**, as Co-Trustees, or their successors in trust, under the **STAN & PAULINE SUTTON LIVING TRUST**, dated November 24, 1999, of 578 East 7000 South, Rexburg, Madison County, Idaho 83440, hereinafter "First Grantees," an undivided Twenty-five Percent (25%) interest, and **KIRT SUTTON** and **LORI SUTTON**, husband and wife, of 864 E. 7156 S., Rexburg, Idaho 83440, hereinafter, "Second Grantees", an undivided Twenty-five Percent (25%) interest, in and to the following described property, situated in Madison County, Idaho, to-wit:

Twp. 5 N., Rge. 40 E., Boise Mer., Madison County, Idaho

- Sec. 27: S½
Sec. 28: E½SE¼ and that part of W½SE¼ lying and being East of the Railroad right-of-way
Sec. 33: NE¼ less Railroad right-of-way
Also: E½NE¼NW¼;
Also: The West 2 rods of NW¼SE¼;
Also: Commencing at a point 522 feet North of the Southeast corner of NW¼NW¼ and running thence West 50 feet; thence South 60 feet; thence East 50 feet; thence North 60 feet to the point of beginning, together with an easement for ingress and egress thereto 20 feet wide, the center line of which commences at a point 494 feet North of the Southwest Corner of NW¼NW¼ and running thence East 1320 feet.
Sec. 34: All

TOGETHER WITH any and all water rights, wells, pumps and irrigation systems and improvements and appurtenances thereto.

SUBJECT TO Easements of record or in existence for roads, railroads, ditches, pipelines and utilities.

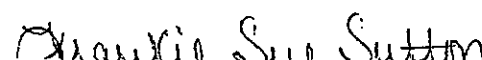
THIS CONVEYANCE is subject to all the rights of Sellers under that "Contract of Sale," dated February 1, 1994, with "Notice of Purchasers Interest," recorded on February 10, 1994, as Instrument No. 250527, records of Madison County, Idaho. There is owing on the Contract of Sale three remaining amortized installments of \$109,800.00 each, due on February 1, 2007, February 1, 2008 and February 1, 2009 (with the final installment to include any balance of principal and interest then unpaid). Second Grantees are obligated to make all of those payments, when due, and to hold Grantors and First Grantees harmless of any liability thereunder.

AS A RESULT of this conveyance the property is owned, subject to the Contract of Sale above described, Twenty-five Percent (25%) by First Grantees and Seventy-five Percent (75%) by Second Grantees [who already owned Fifty Percent (50%) thereof under the Contract of Sale.]

THIS CONVEYANCE is in partial furtherance of a Real Estate Exchange Agreement dated February 10, 2006. The property included herein may be referred to as the "Hill Property" or the "Zollinger Property."

"GRANTORS"


FRANKIE SUE SUTTON,
as Personal Representative of the
Estate of Bret Sutton, deceased.


FRANKIE SUE SUTTON

Acknowledgment by Personal Representative

STATE OF IDAHO)
 ss.
County of Madison.)

On this 21st day of July, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared **Frankie Sue Sutton**, known to me to be the Personal Representative of the Estate of Bret J. Sutton, deceased, and acknowledged to me that she executed the same as such Personal Representative.



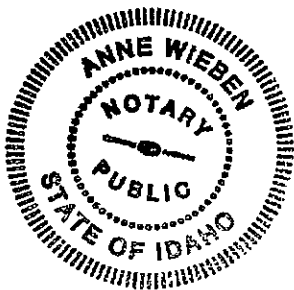
A handwritten signature of Anne Wieben in cursive script, written over a horizontal line.

Notary Public for Idaho
Residing at Rigby
My Commission expires: 7/27/2007

Acknowledgment

STATE OF IDAHO,)
 ss.
County of Madison)

On this 21st day of July, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared **Frankie Sue Sutton**, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

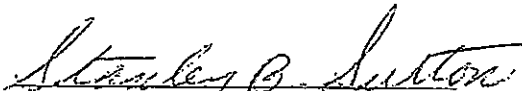


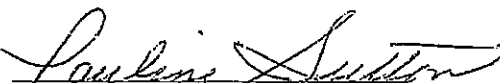
A handwritten signature of Anne Wieben in cursive script, written over a horizontal line.

Notary Public for Idaho
Residing at Rigby
My Commission Expires: 7/27/2007

ACCEPTED BY FIRST GRANTEES AND SECOND GRANTEES this 10th day of
February, 2006.

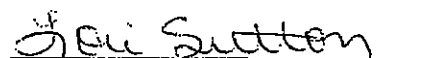
"FIRST GRANTEES"


STANLEY B. SUTTON, as Co-Trustee
of the Stan & Pauline Sutton
Living Trust


PAULINE SUTTON, as Co-Trustee
of the Stan & Pauline Sutton
Living Trust

"SECOND GRANTEES"


KIRT SUTTON

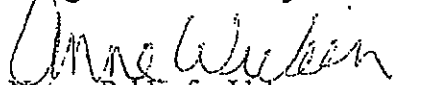

LORI SUTTON

Acknowledgment by Co-Trustees

STATE OF IDAHO,)
 ss.
County of Madison.)

On this 26th day of July, 2006, before me, the undersigned, a Notary Public in and for
said State, personally appeared Stanley B. Sutton and Pauline Sutton, known to me to be
persons whose names are subscribed to the within instrument as the Trustees of the STAN &
PAULINE SUTTON LIVING TRUST, and acknowledged to me that they executed the same
as such Trustees.

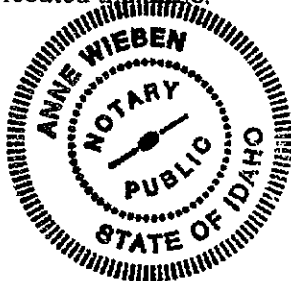



Notary Public for Idaho
Residing at Rigby
My Commission expires: 7/27/2007

Acknowledgment

STATE OF IDAHO,)
 ss.
County of Madison)

On this 24 day of July, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared **Kirt Sutton** and **Lori Sutton**, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



A handwritten signature of Anne Wieben in cursive script, written over a horizontal line.

Notary Public for Idaho

Residing at Rigby

My Commission Expires: 7/27/2007