

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that

L. Harvey Harrington

(Name of Claimant)

Fairview

(Mailing Address)

7040 P.O. 98

(Zip Code)

Telephone No. 225-3451

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) MAY 1, 1932

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

SAGE CREEK

tributary to

CROW CREEK

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>1.2 cfs.</u>	Use	<u>IRRIGATION</u>	Period of Use From <u>APR 1</u>	To <u>NOV 1</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

- (4) 1.2 cfs. TOTAL QUANTITY USED.

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NE 1/4 SW 1/4, Sec. 20 Twp. 9S Rge. 46E B.M., County of CARIBOU

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. HEADGATE WITH OPEN DITCH TO FLOOD IRRIGATION

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NEX				NWX				SWX				SEX				TOTAL
			NEX	NWX	SWX	SEX	NEX	NWX	SWX	SEX	NEX	NWX	SWX	SEX	NEX	NWX	SWX	SEX	
9S	46E	20													2	18	2	18	40A

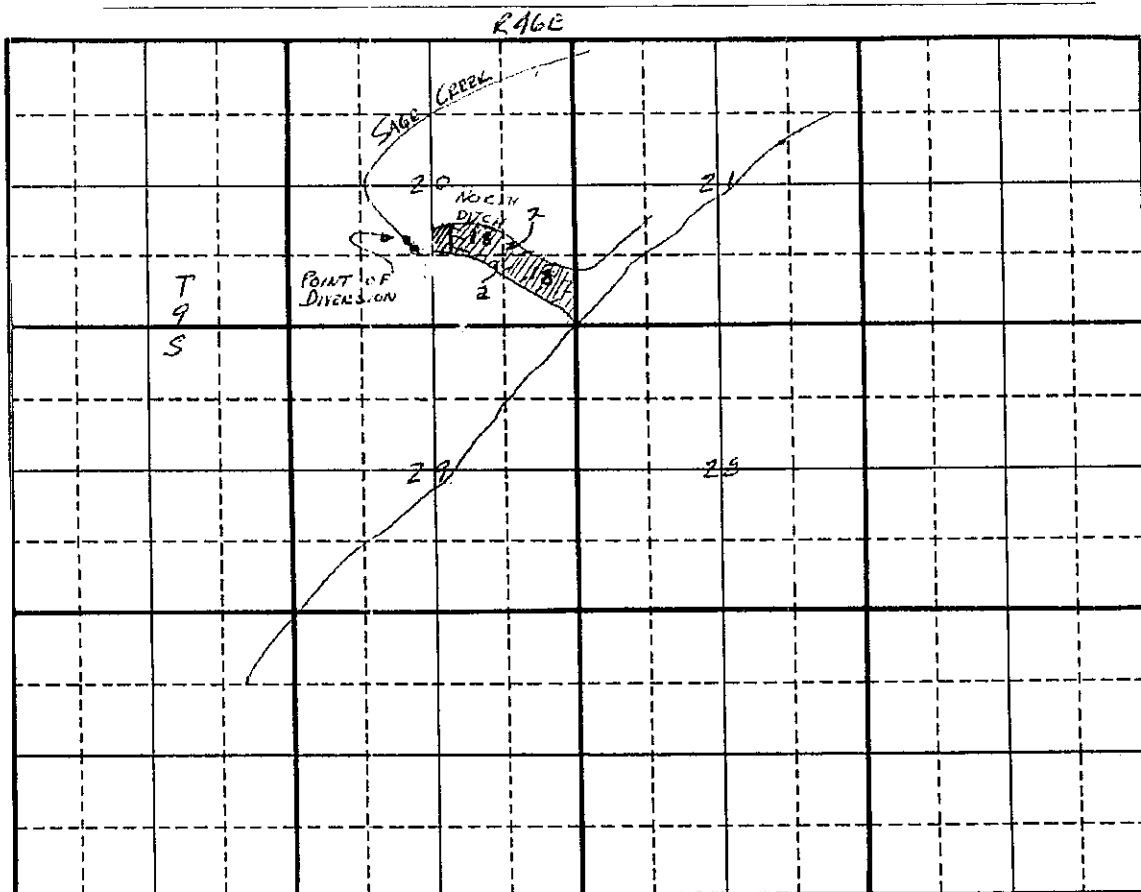
No. of acres 40A

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks DITCH IS NAMED SAGE CR. NORTH DITCH (HALLS SAGE CR. DITCH)



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 11th day of May

G. Harvey Kennington
(Claimant)

19 79

Charles May
Notary Public

Residing at Idaho Falls, Id

My commission expires 6/15/81

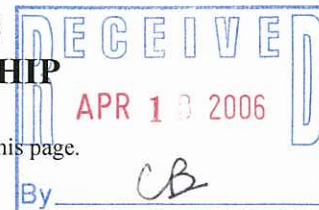
FOR DEPARTMENT USE ONLY

Received by <u>dh</u>	Date <u>5-11-79</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>S.M.</u>	Date <u>5-11-79</u>		claimant by:	
\$20.00 fee received by <u>dh</u>	Date <u>5-11-79</u>	#11872		
Published in <u>Caribou County</u>	<u>Sun</u>			
Dates <u>May 24 & 31, 1979</u>				

OK
JC
8/21/06

STATE 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. 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
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OK 24-4018

OK 24-4019

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OK 24-4020

√

OK 24-4022

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2. The following **REQUIRED** information must be submitted with this form:

Department of Water Resources
Eastern Region

- 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 rights(s) or claims(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 your water rights(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

Geneva Land and Cattle, LLC

329 S. Woodruff, Idaho Falls, ID 83401

4. New Owner/Claimant(s)

Kevin Toner and/or Yodon Thonden, ARISTEA CAPITAL

Name connector (check one): [] and [] or, [] and/or

New Mailing Address

136 Madison Ave., 3rd Floor

City, State and ZIP Code

New York, NY 10016

New Telephone Number

917-749-5796

212 842 8903

5. Date you acquired the property

August 5, 2005

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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 <u>24-4019</u>		
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	<u>0.6 cfs</u>	<u>20</u>
Stock		
Domestic		
Other		
TOTAL	<u>0.6 cfs</u>	

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 <u>24-4020</u>		
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	<u>0.64 cfs</u>	<u>24</u>
Stock		
Domestic		
Other		
TOTAL	<u>0.64 cfs</u>	

7. Signature of New Owner(s) Or Claimant(s) 
(include title if applicable) KEVIN TONER

For Snake River Basin Adjudication Claims: Please attached 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.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ Date _____ WR _____ Date _____

WARRANTY DEED

For Value Received

GENEVA LAND AND CATTLE, LLC.,

the grantor, does hereby grant, bargain, sell and convey unto

KEVIN TONER AND YODON THONDEN, husband and wife,

of Aristeia Capital, 381 5th Ave., New York, New York 10016,

the grantees, the following described premises, to-wit:

Caribou County, Idaho:

Township 9 South, Range 46 East of the Boise Meridian:

Section 20: E~~X~~SE~~1~~/~~4~~.Section 21: W~~X~~SW~~1~~/~~4~~.Section 28: W~~X~~NW~~1~~/~~4~~.Section 29: E~~X~~NE~~1~~/~~4~~.

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Department of Water Resources

Eastern Region

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that it is the owner in fee simple of said premises; that said premises are free from all encumbrances and that it will warrant and defend the same from all lawful claims whatsoever.

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AUG 26 2005

Department of Water Resources
Eastern Region

GENEVA LAND AND CATTLE, LLC

By Mauri Ventures, LLC

By:

JAYCE HOWELL

Managing Member

STATE OF IDAHO)

County of Bonnerille) ss.

On this 5th day of August, 2005, before me the undersigned, a notary public in and for said County and State, personally appeared Jayce Howell known or identified to me to be the managing member of Mauri Ventures, LLC that executed the instrument or the person who executed the instrument on behalf of said Mauri Ventures, LLC, which is subscribed to the within instrument as the managing member of Geneva Land and Cattle, LLC., and acknowledged to me that such LLC executed the same as such managing member.

SHARLA K. RAWSON
Notary Public
State of Idaho

Sharla K. Rawson
NOTARY PUBLIC FOR THE STATE OF IDAHO
Residing at: Soda Springs, Idaho Falls, Idaho
My commission expires: 1-10-06