

12/26/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13817

NAME AND ADDRESS: OSAGIA LLC
971 E 300 N
ALPINE UT 84004

SOURCE: SOUTH LEIGH CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.740 CFS

PRIORITY DATE: 04/01/1889

POINT OF
DIVERSION:

T06N R46E S32 NWNWSW Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.740 CFS

PLACE OF USE:

IRRIGATION in TETON County

T06N R45E S35

NESW

37.00

37 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 37 acres in a single irrigation season. Combined Right Nos.: 22-13815, 22-13817.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Water is delivered through Desert Ditch.

This right is a split from former right 22-13366.

SCANNED
FEB 07 2008



Idaho Department of Water Resources

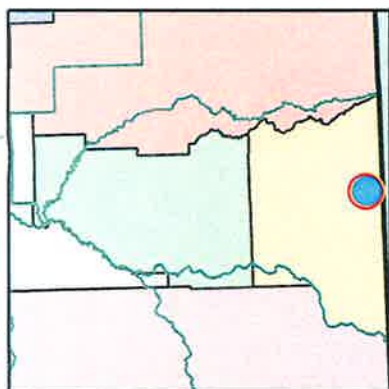
SRBA Recommendation:

22-13817

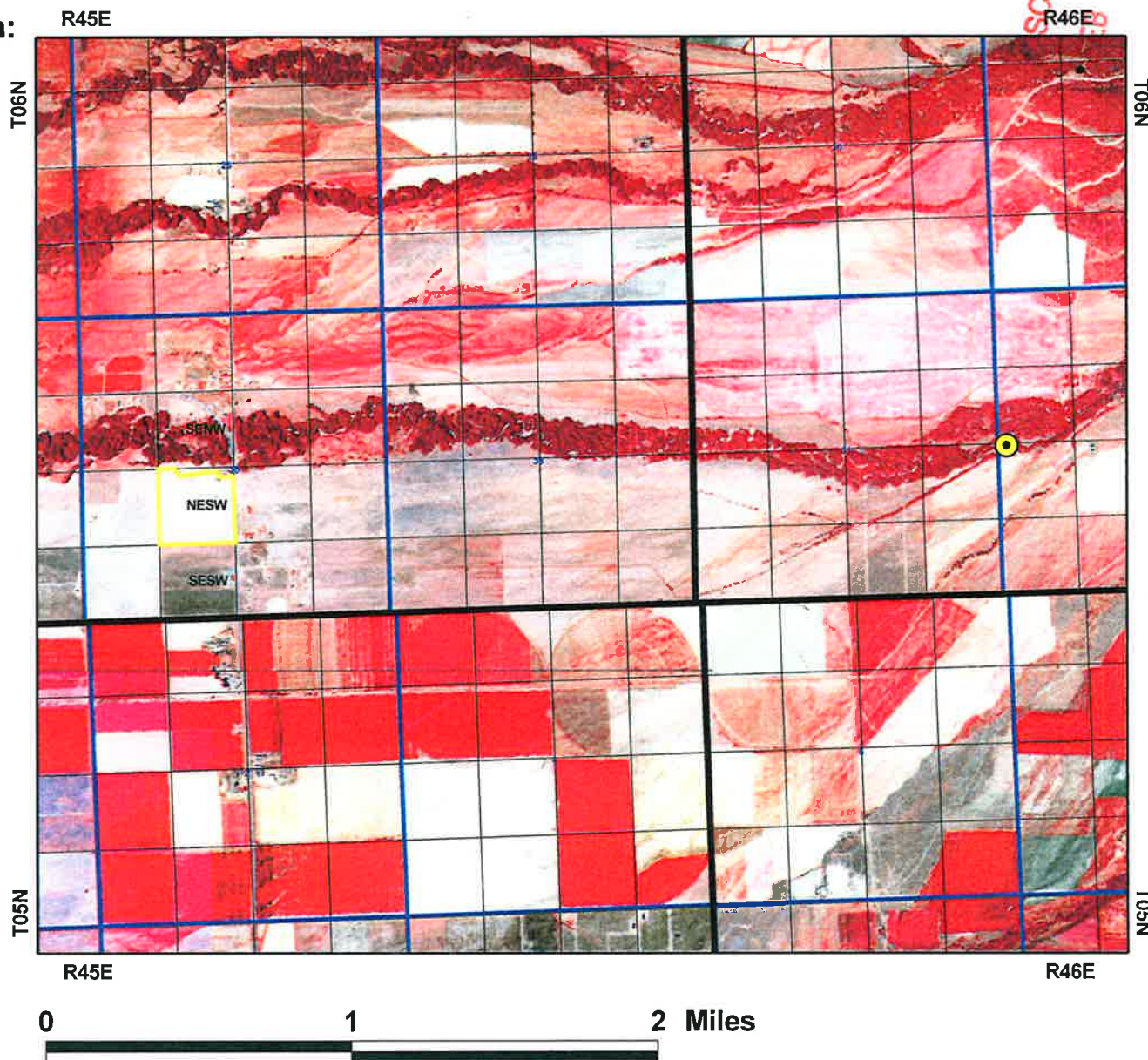
(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Teton County
IDWR Basin 22



Prepared by J. Crabtre
On Wednesday, December 26, 2007
1987/88 Aerial Photography



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

December 26, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

AARON PETERSON
OSAGIA LLC
971 E 300 N
ALPINE UT 84004

RE: Notice of Change of Water Right Ownership (NCO) for
22-7002A, 22-13366 and Notice of Completed Administrative
Proceeding (NCAP)

Dear Mr. Peterson:

The Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for a portion of the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right(s).

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

Enclosure

SCANNED
FEB 07 2008

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Water Rights:
22-7002A SPLIT INTO
22-13814 & 22-13815
22-13366 SPLIT INTO
22-13816 & 22-13817

Case No. 39576)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

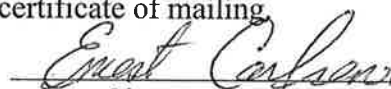
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party (split) BORER – BORER & OSAGIA LLC
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 1-15-08



Signature of IDWR Representative

SCANNED

FEB 07 2008

CERTIFICATE OF MAILING

I certify that on January 18, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
ANGELA BORER
JEFFREY BORER
750 N 150 E
TETONIA ID 83451

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
ANGELA BORER OSAGIA LLC
JEFFREY BORER 971 E 300 N
750 N 150 E ALPINE UT 84004
TETONIA ID 83451

4. One copy to:

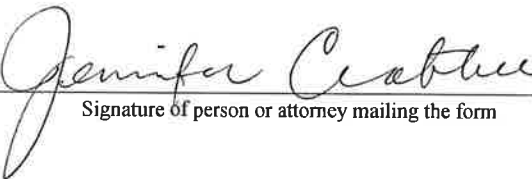
Each party in the subcase, or attorney of record
N/A

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

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)
22-7002 A		yes			
22-13366		yes			

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)

Angela & Jeffrey Borer
 750 N 150 E Tetonia, Id 83451

4. New Owner/Claimant(s)

Osage LLC - Aaron Peterson
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

971 E 300 N

City, State and ZIP Code

Alpine UT 84004

New Telephone Number

(801) 602-3312

SCANNED
 FEB 07 2008
 OCT 18 2007

5. Date you acquired the property

7/25/06

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)



Managing Member Osage LLC

(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 _____ Date _____

Received by _____ Date _____

Processed by _____ AJ Date _____

Receipt Amt. _____

Receipt No. _____

WR _____ Date _____

SCANNED

FEB 07 2008

RECORDING REQUESTED BY

First American Title Company

AND WHEN RECORDED MAIL TO:First American Title Company
81 North Main Street/P.O. Box 42
Driggs, ID 83422**179129**RECEIVED
JUL 3 2006
TETON CO., ID
CLERK RECORDS**Instrument # 179129**

DRIGGS, TETON, IDAHO

2006-08-02

09:16:07 No. of Pages: 3

Recorded for : FIRST AMERICAN TITLE

NOLAN G. BOYLE

Ex-Officio Recorder Deputy

Index to: DEED, WARRANTY

Fee \$9.00

Space Above This Line for Recorder's Use Only

WARRANTY DEEDFile No.: **155574-T (tm)**Date: **July 25, 2006**

For Value Received, **Aaron Peterson, a married man as his sole and separate property**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Osagia LLC, a Utah Limited Liability Company**, hereinafter called the Grantee, whose current address is **456 West 450 North, Orem, UT 84057**, the following described premises, situated in **Teton County, Idaho**, to-wit:

Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the 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.

179129SCANNED
FEB 07 2008

File No.: 155574-T (tm)

SCANNED
FEB 07 2008

179129

Date: 07/25/2006

Warranty Deed
- continued

File No.: 155574-T (tm)

EXHIBIT A

A part of the NE 1/4 SW 1/4 of Section 35, Township 6 North, Range 45 East, B.M., Teton County, Idaho, being further described as:

From the C 1/4 corner of said Section 35, Thence N89°37'22"W, 290.15 feet to the point of beginning;

Thence S01°41'59"W, 179.85 feet to a point; Thence S88°43'22"E, 218.61 feet to a point on the West line of the Highway Right-of-Way; Thence S00°16'20"W, 1138.13 feet along the West line of the Highway Right-of-Way; Thence N89°36'15"W, 1254.59 feet along the South line of the NE 1/4 SW 1/4 of Section 35 to the SW corner NE 1/4 SW 1/4 of said Section 35; Thence N00°37'36"E, 1320.97 feet along the west line of the NE 1/4 SW 1/4 of Section 35 to the NW corner of the NE 1/4 SW 1/4 of Section 35; Thence S89°37'22"E, 1032.33 feet along the North line of the NE 1/4 SW 1/4 of said Section 35 to the point of beginning.

SUBJECT TO AND TOGETHER WITH a 60-foot road and utility easement along the southern boundary of above described property.

179129

SCANNED
FEB 07 2008

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
81 North Main Street/P.O. Box 42
Driggs, ID 83422

179128

RECEIVED

2006

TETON CO., ID
CLERK/RECORDER

Instrument # 179128

DRIGGS, TETON, IDAHO

2006-08-02

09:16:07 No. of Pages: 3

Recorded for : FIRST AMERICAN TITLE

NOLAN G. BOYLE

Ex-Officio Recorder Deputy *[Signature]* Fee: 9.00

Index to: DEED, WARRANTY

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **155574-T (tm)**

Date: **July 25, 2006**

For Value Received, **Aaron Peterson and Darla Peterson, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Aaron Peterson, a married man as his sole and separate property**, hereinafter called the Grantee, whose current address is , , the following described premises, situated in **Teton County, Idaho**, to-wit:

Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the 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.

179128

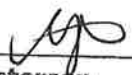
SCANNED

FEB 07 2008

Date: 07/25/2006

Warranty Deed
- continued

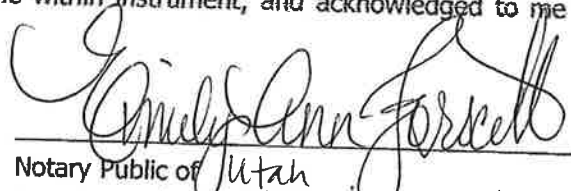
File No.: 155574-T (tm)

By: 
Aaron Peterson

By: 
Darla Peterson

STATE OF Utah)
COUNTY OF Utah)
SS.

On this 31st day of July, 2006, before me, a Notary Public in and for said State, personally appeared **Aaron Peterson and Darla Peterson**, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.



Notary Public of Utah
Residing at: 1675 N Freedom Blvd Ste 2 Provo UT 84604
Commission Expires: October 30, 2006

Date: 07/25/2006

Warranty Deed
- continued

File No.: 155574-T (tm)

EXHIBIT A

A part of the NE 1/4 SW 1/4 of Section 35, Township 6 North, Range 45 East, B.M., Teton County, Idaho, being further described as:

From the C 1/4 corner of said Section 35, Thence N89°37'22"W, 290.15 feet to the point of beginning;

Thence S01°41'59"W, 179.85 feet to a point; Thence S88°43'22"E, 218.61 feet to a point on the West line of the Highway Right-of-Way; Thence S00°16'20"W, 1138.13 feet along the West line of the Highway Right-of-Way; Thence N89°36'15"W, 1254.59 feet along the South line of the NE 1/4 SW 1/4 of Section 35 to the SW corner NE 1/4 SW 1/4 of said Section 35; Thence N00°37'36"E, 1320.97 feet along the west line of the NE 1/4 SW 1/4 of Section 35 to the NW corner of the NE 1/4 SW 1/4 of Section 35; Thence S89°37'22"E, 1032.33 feet along the North line of the NE 1/4 SW 1/4 of said Section 35 to the point of beginning.

SUBJECT TO AND TOGETHER WITH a 60-foot road and utility easement along the southern boundary of above described property.

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
81 North Main Street/P.O. Box 42
Driggs, ID 83422

179107

RECEIVED

FEB 10 2006

TETON CO., ID
CLERK/RECORDER

Instrument # 179107

DRIGGS, TETON, IDAHO

2006-08-01

01:34:25 No. of Pages: 3

Recorded for : FIRST AMERICAN TITLE

NOLAN G. BOYLE

Ex-Officio Recorder Deputy

Index to: DEED, WARRANTY

Fee: 9.00

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **155574-T (tm)**

Date: **April 10, 2006**

For Value Received, **Robert B. Elmer, a married man as his sole and separate property, as to an undivided 54.575% interest and Richard A. White, a married man, as his sole and separate property, as to an undivided 45.425% interest**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Aaron Peterson, a married man as his sole and separate property**, hereinafter called the Grantee, whose current address is , , the following described premises, situated in **Teton** County, **Idaho**, to-wit:

Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the 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.

179107

SCANNED

FEB 07 2006

Date: 04/10/2006

Warranty Deed
- continued

File No.: 155574-T (tm)

By: Robert B. Elmer
Robert B. Elmer

By: Richard A. White
Richard A. White

STATE OF)
SS.
COUNTY OF)

On this 24 day of July, 2006, before me, a Notary Public in and for said State, personally appeared **Robert B. Elmer and Richard A. White**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Emilio Anderson
Notary Public for the State of AZ
Residing at: Mesa, AZ
My Commission Expires: 9/20/09

179107

COPIED
FEB 07 2008

Date: 04/10/2006

Warranty Deed
- continued

File No.: 155574-T (tm)

EXHIBIT A

A part of the NE 1/4 SW 1/4 of Section 35, Township 6 North, Range 45 East, B.M., Teton County, Idaho, being further described as:

From the C 1/4 corner of said Section 35, Thence N89°37'22"W, 290.15 feet to the point of beginning;

Thence S01°41'59"W, 179.85 feet to a point; Thence S88°43'22"E, 218.61 feet to a point on the West line of the Highway Right-of-Way; Thence S00°16'20"W, 1138.13 feet along the West line of the Highway Right-of-Way; Thence N89°36'15"W, 1254.59 feet along the South line of the NE 1/4 SW 1/4 of Section 35 to the SW corner NE 1/4 SW 1/4 of said Section 35; Thence N00°37'36"E, 1320.97 feet along the west line of the NE 1/4 SW 1/4 of Section 35 to the NW corner of the NE 1/4 SW 1/4 of Section 35; Thence S89°37'22"E, 1032.33 feet along the North line of the NE 1/4 SW 1/4 of said Section 35 to the point of beginning.

SUBJECT TO AND TOGETHER WITH a 60-foot road and utility easement along the southern boundary of above described property.

RECORDING REQUESTED BY
First American Title Company

174485

RECEIVED

JAN 31 2006

**TETON CO., ID
CLERK RECORDER**

AND WHEN RECORDED MAIL TO:
First American Title Company
81 North Main Street/P.O. Box 42
Driggs, ID 83422

Instrument # 174485

DRIGGS, TETON, IDAHO

2006-01-31

01:36:29 No. of Pages: 3

Recorded for : FIRST AMERICAN TITLE CO

NOLAN G. BOYLE

Fee: \$400

Ex-Officio Recorder Deputy

Index to: DEED, WARRANTY

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 140949-T (tm)

Date: January 26, 2006

For Value Received, **Jeffrey R. Borer and Angela E. Borer, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Robert B. Elmer, a married man as his sole and separate property AND Richard A. White, a married man, as his sole and separate property**, hereinafter called the Grantee, whose current address is **37 Acres on South Highway 33, Tetonla, ID 83452**, the following described premises, situated in **Teton County, Idaho**, to-wit:

Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the 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.

174485

SCANNED

FEB 07 2006

Date: 01/26/2006

Warranty Deed
- continued

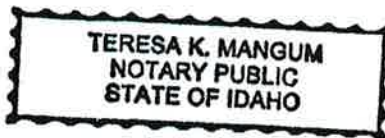
File No.: 140949-T (tm)

Jeffrey R. Borer
Jeffrey R. Borer

Angela E. Borer
Angela E. Borer

STATE OF Idaho)
SS.
COUNTY OF Teton)

On this 31st day of January, 2006, before me, a Notary Public in and for said State, personally appeared **Jeffrey R. Borer and Angela E. Borer**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Teresa K. Mangum
Notary Public for the State of Idaho
Residing at: Dugas
My Commission Expires: 07-24-09

Date: 01/26/2006

Warranty Deed
- continued

File No.: 140949-T (tm)

EXHIBIT A

A part of the NE 1/4 SW 1/4 of Section 35, Township 6 North, Range 45 East, B.M., Teton County, Idaho, being further described as:

From the C 1/4 corner of said Section 35, Thence N89°37'22"W, 290.15 feet to the point of beginning;

Thence S01°41'59"W, 179.85 feet to a point; Thence S88°43'22"E, 218.61 feet to a point on the West line of the Highway Right-of-Way; Thence S00°16'20"W, 1138.13 feet along the West line of the Highway Right-of-Way; Thence N89°36'15"W, 1254.59 feet along the South line of the NE 1/4 SW 1/4 of Section 35 to the SW corner NE 1/4 SW 1/4 of said Section 35; Thence N00°37'36"E, 1320.97 feet along the west line of the NE 1/4 SW 1/4 of Section 35 to the NW corner of the NE 1/4 SW 1/4 of Section 35; Thence S89°37'22"E, 1032.33 feet along the North line of the NE 1/4 SW 1/4 of said Section 35 to the point of beginning.

SUBJECT TO AND TOGETHER WITH a 60-foot road and utility easement along the southern boundary of above described property.

174485

SCANNED
FEB 07 2008