

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 21 2019

DEPARTMENT OF
WATER RESOURCES

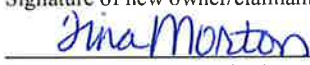
Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
22-10880	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Theron R Mc Garry
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Derk G Morton and Tina Lou Morton
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or ☐ and/or
- 4200 South 5500 West Rexburg ID 83440
Mailing address City State ZIP
- (208) 351-6172 _____
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: 9/04/2019
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
 o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature:  9/04/2019
Signature of new owner/claimant Title, if applicable Date

Signature:  9/04/2019
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by  Date 10/21/19 Receipt No. C101871 Receipt Amt. 25

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by _____ Processed by  Date 11-7-19

COPY

AFTER RECORDING MAIL TO:

Tina Lou and Derk G. Morton
Rexburg, ID 83440

Microfile No. **425704**
4 DAY Sep 2019
At 04 O'Clock 58 PM
KIM H. MUIR
MADISON CO RECORDER
Fee \$15.00
Deputy
Recorded at Request of
FIRST AMERICAN TITLE - REXBURG

QUITCLAIM DEED

File No.: **767901-RX (TD)**

Date: **August 30, 2019**

For Value Received, **Tina Lou Morton as Successor Trustee of the Theron R. McGarry Revocable Living Trust, dated August 11, 2016**, do(es) hereby convey, release, remise, and forever quit claim unto **Tina Lou Morton and Derk G. Morton, wife and husband**, whose address is 4200 S 5500 W, Rexburg, ID 83440, herein after called the Grantee, the following described premises situated in **Madison County, Idaho**, to-wit: **Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

together with its appurtenances.

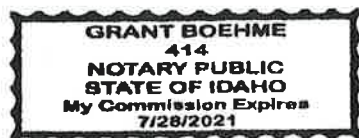
Dated: September 4, 2019

Tina Lou Morton

Tina Lou Morton, Successor Trustee

STATE OF Idaho)
COUNTY OF Jefferson)
ss.

On this 9/04/2019, before me, a Notary Public in and for said State, personally appeared **Tina Lou Morton**, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument as Trustee of the **Theron R. McGarry Revocable Living Trust** Trust, and acknowledged to me that she executed the same as such Trustee.



Grant W. Boehme

Notary Public of Idaho

Residing at: _____

Commission Expires: _____

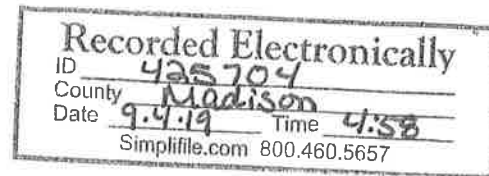
GRANT W. BOEHME,
NOTARY PUBLIC
RESIDING AT: REXBURG, IDAHO
MY COMMISSION EXPIRES: 07-28-2021

**I CERTIFY THAT THIS IS A TRUE
AND CORRECT COPY OF THE
ORIGINAL DOCUMENT**

AFTER RECORDING MAIL TO:

Tina Lou and Derk G. Morton

Rexburg, ID 83440



QUITCLAIM DEED

File No.: **767901-RX (TD)**

Date: **August 30, 2019**

For Value Received, **Tina Lou Morton as Successor Trustee of the Theron R. McGarry Revocable Living Trust, dated August 11, 2016**, do(es) hereby convey, release, remise, and forever quit claim unto **Tina Lou Morton and Derk G. Morton, wife and husband**, whose address is 4200 S 5500 W, Rexburg, ID 83440, herein after called the Grantee, the following described premises situated in **Madison** County, **Idaho**, to-wit: **Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

together with its appurtenances.

Dated: September 4, 2019

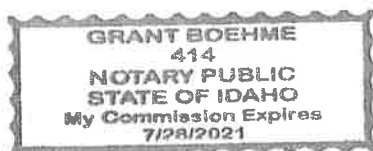
Tina Lou Morton

Tina Lou Morton, Successor Trustee

STATE OF Idaho)
SS.

COUNTY OF Jefferson)

On this 9/04/2019, before me, a Notary Public in and for said State, personally appeared **Tina Lou Morton**, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument as Trustee of the **Theron R. McGarry Revocable Living Trust** Trust, and acknowledged to me that she executed the same as such Trustee.



Grant W. Boehme

Notary Public of Idaho

Residing at: _____

Commission Expires: _____

GRANT W. BOEHME,
NOTARY PUBLIC

RESIDING AT: REXBURG, IDAHO
MY COMMISSION EXPIRES: 07-28-2021

EXHIBIT A

**TOWNSHIP 5 NORTH, RANGE 39 E.B.M., MADISON COUNTY, IDAHO.
SECTION 17: S $\frac{1}{2}$ SW $\frac{1}{4}$**

SECTION 20: NE $\frac{1}{4}$ NW $\frac{1}{4}$

EXCEPT: BEGINNING AT THE NW CORNER OF THE NE $\frac{1}{4}$ OF SECTION 20, TOWNSHIP 5 NORTH, RANGE 39 E.B.M., MADISON COUNTY, IDAHO, WHICH CORNER IS MONUMENTED WITH A BRASS CAP US BLM 1959, AND RUNNING THENCE N. 00°03'57" E. 410.82 FEET; THENCE S. 77°15'52" W. 161.62 FEET; THENCE S. 19°15'47" W. 113.17 FEET; THENCE N. 77°04'10" W. 207.99 FEET; THENCE S. 55°46'53" W. 78.96 FEET; THENCE S. 07°23'54" W. 339.63 FEET; THENCE RUNNING ALONG THE TOE OF THE EAST EDGE OF A DIKE OF THE NORTH FORK OF THE SNAKE FOR THE NEXT FIVE CALLS; S. 44°28'01" E. 257.31 FEET; THENCE S. 28°12'07" E. 241.99 FEET; THENCE S. 08°32'03" E. 278.87 FEET; THENCE S. 14°49'46" W. 282.82 FEET; THENCE S. 38°17'45" W. 403.53 FEET; THENCE N. 89°48'38" E. 530.32 FEET; THENCE N. 01°37'25" W. 1327.84 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPT: THE W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SECTION 20 AND ALL THAT PART OF THE S $\frac{1}{2}$ SW $\frac{1}{4}$ SECTION 17 LYING SOUTH AND WEST OF THE CENTERLINE OF THE EXISTING FLOOD CONTROL LEVEE.

ALSO LESS:

A PARCEL OF LAND LYING ENTIRELY WITHIN SECTIONS 7, 8, 17 AND 18, TOWNSHIP 5 NORTH, RANGE 39 EAST, BOISE MERIDIAN, MADISON COUNTY, IDAHO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 7; THENCE NORTH 00°51'13" WEST A DISTANCE OF 1366.94 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF SAID SOUTHEAST QUARTER OF SECTION 7; THENCE NORTH 89°28'57" EAST ALONG THE NORTH LINE OF SAID SOUTH HALF SOUTHEAST QUARTER OF SECTION 7 A DISTANCE OF 1875.00 FEET; THENCE SOUTH 03°30'45" WEST A DISTANCE OF 810.50 FEET; THENCE RUNNING PARALLEL WITH AND NORTHERLY FROM THE NORTH BANK OF SPRING SLOUGH FOR THE FOLLOWING SIX COURSES:

- 1.) NORTH 51°45'50" EAST A DISTANCE OF 297.16 FEET;**
- 2.) NORTH 68°44'30" EAST A DISTANCE OF 157.00 FEET;**
- 3.) SOUTH 88°42'00" EAST A DISTANCE OF 114.00 FEET;**
- 4.) SOUTH 78°20'00" EAST A DISTANCE OF 167.00 FEET;**
- 5.) SOUTH 68°58'00" EAST A DISTANCE OF 243.00 FEET;**
- 6.) SOUTH 65°11'00" EAST A DISTANCE OF 75.00 FEET;**

THENCE SOUTH 31°47'30" WEST A DISTANCE OF 40.00 FEET TO A POINT ON SAID NORTH BANK OF SPRING SLOUGH; THENCE FOLLOWING SAID NORTH BANK OF SPRING SLOUGH FOR THE FOLLOWING FOUR COURSES:

- 1.) SOUTH 46°42'30" EAST A DISTANCE OF 229.00 FEET;**
- 2.) SOUTH 15°24'30" EAST A DISTANCE OF 480.00 FEET;**
- 3.) SOUTH 29°26'00" EAST A DISTANCE OF 196.00 FEET;**
- 4.) SOUTH 67°31'30" EAST A DISTANCE OF 293.00 FEET;**

THENCE SOUTH 01°10'53" EAST A DISTANCE OF 994.70 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17, SAID POINT LYING 46.5 RODS EAST OF THE WEST LINE OF SAID SECTION 17; THENCE NORTH 89°49'54" EAST A DISTANCE OF 578.71 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER NORTHWEST QUARTER OF SECTION 17; THENCE SOUTH 00°42'56" WEST A DISTANCE OF 1312.30 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER NORTHWEST QUARTER OF SECTION 17; THENCE SOUTH 89°20'17" WEST A DISTANCE OF 1329.43 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 17; THENCE SOUTH 00°00'36" EAST ALONG THE LINE BETWEEN SAID SECTION 17 AND SECTION 18 A DISTANCE OF 1323.60 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 17; THENCE NORTH 88°43'11" EAST ALONG THE NORTH LINE OF SAID SOUTH HALF SOUTHWEST QUARTER OF SECTION 17 A DISTANCE OF 1068.50 FEET; THENCE SOUTH A DISTANCE OF 862.38 FEET; THENCE ALONG THE CENTERLINE OF AN EXISTING FLOOD CONTROL LEVEE FOR THE FOLLOWING FIVE COURSES:

- 1.) NORTH 64°14'00" WEST A DISTANCE OF 2117.88 FEET;
- 2.) NORTH 63°38'00" WEST A DISTANCE OF 756.14 FEET;
- 3.) NORTH 61°23'30" WEST A DISTANCE OF 964.60 FEET;
- 4.) 148.28 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 31°46'40", A RADIUS OF 267.35 FEET, AND A CHORD WHICH BEARS NORTH 77°16'40" WEST 146.39 FEET;
- 5.) SOUTH 86°50'00" WEST A DISTANCE OF 119.57 FEET TO AN EXISTING FENCE LINE; THENCE NORTH 00°29'00" WEST A DISTANCE OF 3014.50 FEET TO THE POINT OF BEGINNING.

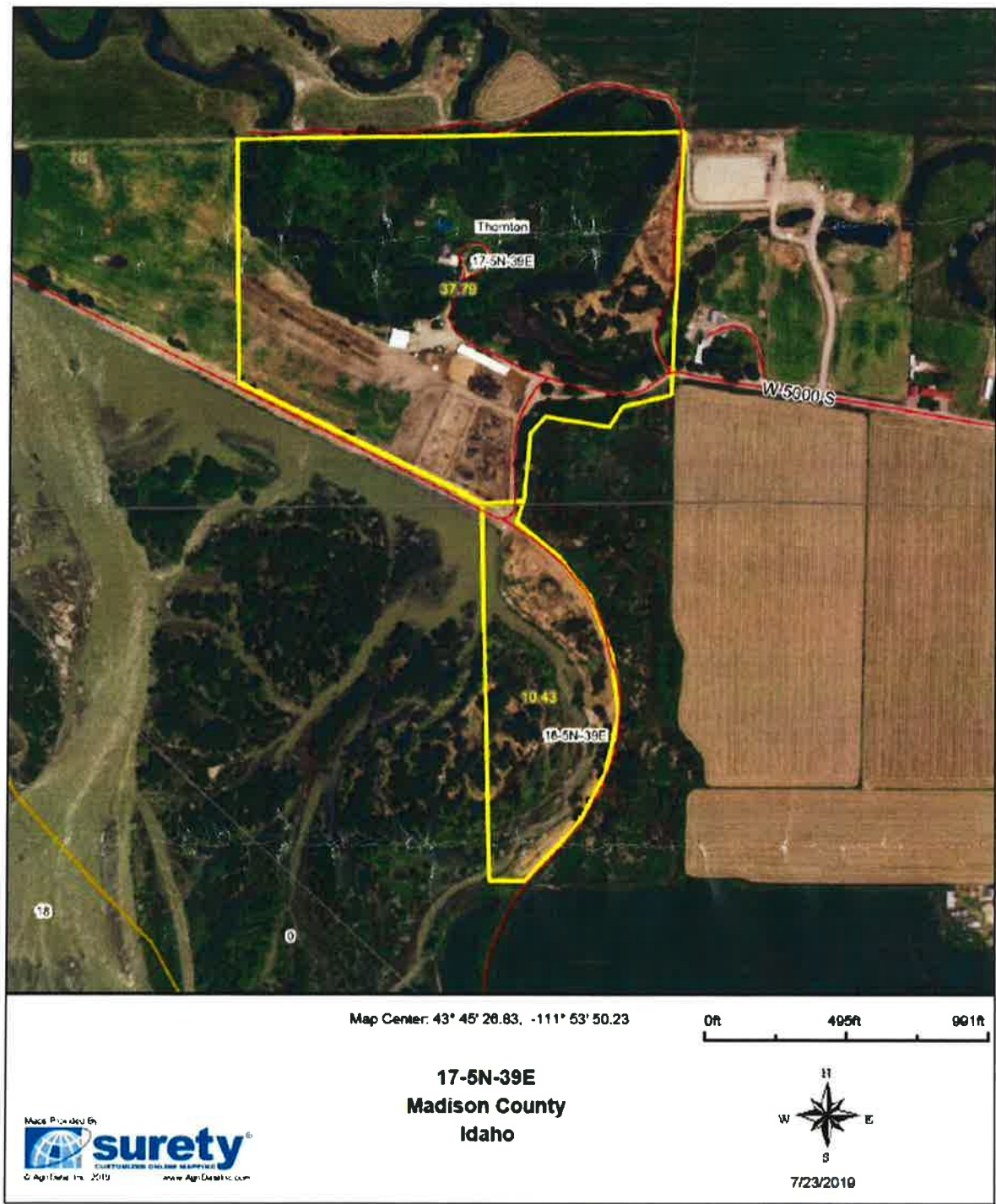
TOWNSHIP 4 NORTH, RANGE 41 E.B.M., MADISON COUNTY, IDAHO.
SECTION 20: N½NE¼; SE¼NE¼; NE¼SE¼

Plat Map – Tract I



Aerial View – Tract I

Aerial Map



RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Wright Law Offices, PLLC
P.O. Box 50578
Idaho Falls, ID 83405-0578
(or Courthouse box, as applicable)

Instrument # 418400

REXBURG, MADISON, IDAHO
8-23-2018 11:14:45 AM No. of Pages: 5
Recorded for: WRIGHT LAW OFFICES
KIM H. MUIR Fee: 15.00
Ex-Officio Recorder Deputy *SR*

GRANT DEED

For value received, Theron R. McGarry, a married man dealing with his sole and separate property, ("Grantor"), grants, bargains, sells and conveys to Theron Robert McGarry as Trustee of the THERON R. MCGARRY REVOCABLE LIVING TRUST, DATED AUGUST 11, 2016, ("Grantee"), whose current address is 6140 W. 5000 S., Rexburg, ID 83440, and its successors and assigns forever, the following described real property situated in Madison County, State of Idaho:

See Exhibit A

This conveyance shall include any and all estate, right, title, interest, appurtenances, tenements, hereditaments, reversions, remainders, easements, rents, issues, profits, rights-of-way and water rights in anywise appertaining to the property herein described.

Grantor covenants that prior to the execution of the Grant Deed, Grantor has not conveyed this real property to any other person, and at the time of execution, the real property is free from encumbrances done, made, or suffered by the Grantor.

IN WITNESS WHEREOF, the Grantor has executed this instrument this ____ day of August, 2018.

Theron R. McGarry
Theron R. McGarry, Grantor

STATE OF IDAHO)
) ss.
County of Bonneville)

On this 10 day of August, 2018, before me the undersigned, personally appeared Theron R. McGarry, known or identified to me (or proved to me on oath), to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



[Signature]
NOTARY PUBLIC FOR IDAHO

Residing at Idaho Falls

My Commission Expires 7/2/20

GRANT DEED TO REVOCABLE TRUST - 1

Lot 4 in Section 13, Township 5 North, Range 39 East of the Boise Meridian.

ALSO: Commencing at a point North $89^{\circ}45'00''$ East 330.00 feet from the Northwest corner of Section 18, Township 5 North, Range 39 East of the Boise Meridian, and running thence South $0^{\circ}00'00''$ East, 1320.00 feet; thence South $89^{\circ}45'00''$ West 330.00 feet to the West line of Section 18; thence along said West line of Section 18 South $0^{\circ}45'00''$ East 1047.40 feet to the Dike centerline; thence along said Dike Centerline South $42^{\circ}48'00''$ East, 1295.10 feet; thence South $70^{\circ}18'00''$ East 421.00 feet; thence North $76^{\circ}41'46''$ East, 496.02 feet; thence North $67^{\circ}12'34''$ East 693.40 feet; thence North $81^{\circ}55'32''$ East 243.09 feet to the Quarter line of Section 18; thence along said

Quarter line North $0^{\circ}00'00''$ East 3054 feet to the North line of Section 18, thence along said North line of Section 18, South $89^{\circ}45'00''$ West 2309.25 feet to the point of beginning.

Township 5 North, Range 38 East, Boise Meridian

Section 12: S4SE4
Section 13: N4NE4

Lot 6 and the Southeast Quarter of Section 6, Township 5 North, Range 39 East of the Boise Meridian.

ALSO: Lot 5 and the Northwest Quarter Southwest Quarter of Section 6, Township 5 North, Range 39 East, Boise Meridian.

Commencing at the Northeast corner of the S.E. & S.E. of Section 8, Township 5 North, Range 39 East of the Boise Meridian, and running thence West 143 rods; thence South 10 rods; thence West 10 rods; thence South 118 rods, more or less, to the centerline of the Jones Warm Slough; thence easterly following the meanderings of the said Slough to a point 5 rods, more or less, West of the Southeast corner of the N.E. & N.E. of Section 17, Township 5 North, Range 39 East, Boise Meridian; thence East 5 rods; thence North 160 rods to the point of beginning;

in the County of Madison, State of Idaho; and containing 147 acres, more or less, together with all buildings, fences, and other improvements thereon, and all rights thereto appertaining except as provided otherwise herein (hereinafter the "Property"); to have and to hold the same by Tenant from April 1, 1982, to April 1, 1985.

Exhibit

A

Commencing at a point 192 feet West of the Northeast corner of Section 5, Township 5 North, Range 39 East, Boise Meridian, and running thence West 2,448 feet; thence South 2,640 feet; thence East 1,018.875 feet; thence North 660 feet, more or less, to the center of the Texas Slough; thence up the center of the channel of said Texas Slough in a Northeasterly direction to a point where the thread of said stream intersects a line parallel to and 225 feet West of the East boundary line of said Section 5; thence Northerly in a straight line 646.7 feet, more or less, to a point on the South bank of a ditch which is 196 feet West and 558 feet, more or less, South of the Northeast corner of said Section 5; thence Northerly in a straight line 246.03 feet, more or less, to a point 192 feet West and 312 feet South of the point of beginning; thence North 312 feet to the point of beginning.

Commencing 1123 feet West of the NE corner of Lot 1 of Section 4, Township 5 North, Range 39 East Boise Meridian, Madison County, Idaho, and running thence South 362 feet; thence East 100 feet; thence South 958 feet; thence West 18 rods; thence South 19 rods; thence West 23 rods; thence following the meanderings of the Texas Slough in a Northeasterly direction to a point that would be 63 rods South of the NW corner of Lot 1; thence East 4 rods; thence North 63 rods; thence East 131 feet to the point of beginning.

Also,

Commencing at the NW corner of Lot 2 of Section 4, Township 5 North, Range 39 East Boise Meridian, Madison County, Idaho, and running thence South 80 rods; thence West 56 rods; thence South 13½ rods; thence in a Southerly, Easterly, and Northerly direction following the meanderings of the Texas Slough to a point 19 rods South and 23 rods West of the NE corner of the NW¼ SE¼ of said Section 4, and running thence in a northeasterly direction following the meanderings of said Texas Slough to a point 4 rods East and 63 rods South of the NE corner of Lot 2; thence North 63 rods; thence West 84 rods to the point of beginning. Excepting therefrom the following described parcel: Beginning at a point 1443 feet West of the Northeast corner of Section 4, Township 5 North, Range 39 East Boise Meridian, Madison County, State of Idaho, and running thence South 99 feet; thence West 132 feet; thence North 99 feet; thence East 132 feet to the point of beginning.

Also,

Commencing at a point 19 rods South of the NE corner of the NW¼ SE¼ of Section 4, Township 5 North, Range 39 East Boise Meridian, Madison County, Idaho, and running thence South 61 rods, thence West 160 rods; thence North 65½ rods; thence East 24 rods to the intersection of the Texas Slough; thence in a Southerly, Easterly and Northerly direction following the meanderings of said Texas Slough to a point 23 rods West of the point of beginning; thence East 23 rods to the point of beginning.

Together with all water and ditch rights appertaining thereto.

Excepting therefrom any parcels residences or other improvements.

REAL PROPERTY**State Land Lease**

Subdivision	Section	Township	Range E.M.
S4SW	17	4 N	41 E PUB
S4SEW	18	4 N	41 E PUB
S4, E4SW	19	4 N	41 E PUB
SW4NE4, W4 W4SEW, SE4SEW	20	4 N	41 E PUB

Fee Simple Title

Township 4 North, Range 41 East, Boise Meridian, Section 20, North 1/4 Northeast 1/4, Southeast 1/4 Northeast 1/4, Northeast 1/4 Southeast 1/4.

Also, South Half of Southeast Quarter (S4SEW) Section 7; West 46.5 rods of the Southwest Quarter of Southwest Quarter (SW4SW4) Section 8; West 46.5 rods of the Northwest Quarter of the Northwest Quarter (NW4NW4), and all the Southwest Quarter of the Northwest Quarter (SW4NW4) Section 17, and Northeast Quarter (NE4) Section 18, all in Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho.

Excepting therefrom the following described parcel:

Beginning at a point 20.00 feet East of the Northeast corner of the SW of the Southeast quarter of Section 7, Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho and running thence South 210.43 feet; thence West 207.00 feet; thence North 210.43 feet; thence East 207.00 feet to the point of beginning. Contains 1.00 acres less the county road right of way.

PERSONAL PROPERTY

300 Head of Cows

12 Bulls

Idaho State Brand - VO on left ribs

Along with all forest permits appertaining thereto

Also, the right to graze 20 head of cows in the Lyman Creek Grazing Association

The North-half (N1/2) Section 17. Subject to State of Idaho Oil and Gas Lease No. O-6273. Reserving to the State of Idaho and/or its assigns a road right of way for the existing road across this unit, said right of way being 33 feet on each side of the centerline as the road now exists.

PL. 3. 153000-0

PARTIAL ATRACT I

Township 3 North, Range 39 East of the Boise Meridian
 Section 14: Commencing at the Northeast corner of Section 18, and running thence East 20 rods; thence South 80 rods; thence West 20 rods; thence North 80 rods to the point of beginning.

TRACT II

Township 3 North, Range 39 East of the Boise Meridian
 Section 13: E-NE-1/4

TOGETHER WITH: Easement 30.00 feet in width whose centerline is described as: Beginning at a point that is North 89°43'00" East 42.45 feet of the Northeast corner of Section 18, Township 3 North, Range 39 East of the Boise Meridian; and running thence South 20°24'06" West 163.01 feet; thence South 48°13'39" West 231.18 feet.

BOTH LESS AND EXCEPTING: Beginning at a point that is East 28.40 feet of the Northwest corner of Section 18, Township 3 North, Range 39 East of the Boise Meridian, said point is a brass cap reference monument, and running thence North 89°43'00" East 303.60 feet; thence South 1019.85 feet; thence North 83°31'37" West 371.63 feet; thence North 01°33'13" East 575.98 feet; thence North 81°18'31" West 292.81 feet; thence North 48°13'39" East 231.18 feet; thence North 10°24'06" East 168.24 feet to the point of beginning.

ALSO LESS: Commencing at a point 108 feet, more or less, West of the Northeast corner of the NW-1/4 of Section 13, Township 3 North, Range 39 East of the Boise Meridian, on the North bank of the Bannock Jim Slough at its intersection with the North boundary of said NW-1/4, and running thence West 1543 feet, more or less, to the intersection of the said North boundary of the NW-1/4 with the said North bank of the Bannock Jim Slough; thence Easterly along the said North bank to the point of beginning.

PARTIAL B

Township 3 North, Range 39 East of the Boise Meridian
 Section 17: S-1/2SW-1/4
 Section 18: NW-1/4, SE-1/4SW-1/4, Government Lot 3
 Section 20: NE-1/4SW-1/4, Lot 2

LESS: Beginning at the Northeast corner of the NW-1/4 of Section 20, Township 3 North, Range 39 East of the Boise Meridian, which corner is monumented with a brass cap US 3LM 1959, and running thence North 00°03'57" East 410.83 feet; thence South 77°15'52" West 161.62 feet; thence South 19°15'47" West 113.13 feet; thence North 77°04'16" West 287.99 feet; thence South 55°46'13" West 78.96 feet; thence South 07°23'54" West 338.63 feet; thence running along the toe of the East edge of a dike of the North Fork of the Snake for the next five calls South 44°28'01" East 257.31 feet; thence South 22°12'07" East 241.99 feet; thence South 08°32'03" East 278.87 feet; thence South 14°49'46" West 287.82 feet; thence South 26°17'43" West 403.53 feet; thence North 49°48'26" East 330.32 feet; thence North 01°33'23" West 1327.84 feet to the point of beginning.

TOGETHER WITH: Easement for egress and ingress. A strip of land 25.00 feet in width located in the S-1/2SW-1/4 of Section 17, Township 3 North, Range 39 East of the Boise Meridian whose centerline is described as beginning at a point that is North 00°03'57" East 423.30 feet from the Northeast corner of the NW-1/4 of Section 20, Township 3 North, Range 39 East of the Boise Meridian, and running thence South 77°15'52" West 161.62 feet.

Easement for egress and ingress to the North Fork of the Snake River. A strip of land 15.00 feet in width located in the NW-1/4 of Section 20, Township 3 North, Range 39 East of the Boise Meridian, whose centerline is described as follows: Beginning at a point that is South 1318.34 feet and West 618.74 feet of the Northeast corner of the NW-1/4 of Section 20, Township 3 North, Range 39 East of the Boise Meridian, and running thence South 89°18'13" West 125 feet, more or less, to the East bank of the North Fork of the Snake River.

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Wright Law Offices, PLLC
P.O. Box 50578
Idaho Falls, ID 83405-0578
(or Courthouse box, as applicable)

CORRECTED GRANT DEED

This deed is re-recorded to correct the legal description of the property. "Exhibit A" has been replaced with the correct legal description.

For value received, Theron R. McGarry, a married man dealing with his sole and separate property, ("Grantor"), grants, bargains, sells and conveys to Theron Robert McGarry as Trustee of the THERON R. MCGARRY REVOCABLE LIVING TRUST, DATED AUGUST 11, 2016, ("Grantee"), whose current address is 6140 W. 5000 S., Rexburg, ID 83440, and its successors and assigns forever, the following described real property situated in Madison County, State of Idaho:

See Exhibit A

This conveyance shall include any and all estate, right, title, interest, appurtenances, tenements, hereditaments, reversions, remainders, easements, rents, issues, profits, rights-of-way and water rights in anywise appertaining to the property herein described.

Grantor covenants that prior to the execution of the Grant Deed, Grantor has not conveyed this real property to any other person, and at the time of execution, the real property is free from encumbrances done, made, or suffered by the Grantor.

IN WITNESS WHEREOF, the Grantor has executed this instrument this ____ day of August, 2018.

Theron McGarry

Theron R. McGarry, Grantor

Instrument # 421695

REXBURG, MADISON, IDAHO

2-25-2018 01:37:33 PM No. of Pages: 3

Recorded for: WRIGHT LAW OFFICES, PLLC

KIM H. BEAR

Fee: 15.00

Ex-Officio Recorder Deputy

JW

STATE OF IDAHO)
) ss.
County of Bonneville)

On this 10 day of August, 2018, before me the undersigned, personally appeared Theron R. McGarry, known or identified to me (or proved to me on oath), to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



NOTARY PUBLIC FOR IDAHO

Residing at Idaho Falls

My Commission Expires 7/2/20

GRANT DEED TO REVOCABLE TRUST - 1

Exhibit "A"

Real property in the County of Madison, State of Idaho, described as follows:

**TOWNSHIP 5 NORTH, RANGE 39 E.B.M., MADISON COUNTY, IDAHO.
SECTION 17: S½SW¼**

SECTION 20: NE¼NW¼

EXCEPT: BEGINNING AT THE NW CORNER OF THE NE¼ OF SECTION 20, TOWNSHIP 5 NORTH, RANGE 39 E.B.M., MADISON COUNTY, IDAHO, WHICH CORNER IS MONUMENTED WITH A BRASS CAP US BLM 1959, AND RUNNING THENCE N. 00°03'57" E. 410.82 FEET; THENCE S. 77°15'52" W. 161.62 FEET; THENCE S. 19°15'47" W. 113.17 FEET; THENCE N. 77°04'10" W. 207.99 FEET; THENCE S. 53°46'53" W. 78.96 FEET; THENCE S. 07°23'54" W. 339.63 FEET; THENCE RUNNING ALONG THE TOE OF THE EAST EDGE OF A DIKE OF THE NORTH FORK OF THE SNAKE FOR THE NEXT FIVE CALLS; S. 44°28'01" E. 257.31 FEET; THENCE S. 25°12'07" E. 241.99 FEET; THENCE S. 08°32'03" E. 278.87 FEET; THENCE S. 14°49'46" W. 282.82 FEET; THENCE S. 38°17'45" W. 403.53 FEET; THENCE N. 89°48'38" E. 530.32 FEET; THENCE N. 01°37'25" W. 1327.84 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPT: THE W½NE¼NW¼ SECTION 20 AND ALL THAT PART OF THE S½SW¼ SECTION 17 LYING SOUTH AND WEST OF THE CENTERLINE OF THE EXISTING FLOOD CONTROL LEVEE.

ALSO LESS:

A PARCEL OF LAND LYING ENTIRELY WITHIN SECTIONS 7, 8, 17 AND 18, TOWNSHIP 5 NORTH, RANGE 39 EAST, BOISE MERIDIAN, MADISON COUNTY, IDAHO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 7; THENCE NORTH 00°51'13" WEST A DISTANCE OF 1366.94 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF SAID SOUTHEAST QUARTER OF SECTION 7; THENCE NORTH 89°28'57" EAST ALONG THE NORTH LINE OF SAID SOUTH HALF SOUTHEAST QUARTER OF SECTION 7 A DISTANCE OF 1875.00 FEET; THENCE SOUTH 03°30'45" WEST A DISTANCE OF 810.50 FEET; THENCE RUNNING PARALLEL WITH AND NORTHERLY FROM THE NORTH BANK OF SPRING SLOUGH FOR THE FOLLOWING SIX COURSES:

- 1.) NORTH 51°45'50" EAST A DISTANCE OF 297.16 FEET;**
- 2.) NORTH 68°44'30" EAST A DISTANCE OF 157.00 FEET;**
- 3.) SOUTH 88°42'00" EAST A DISTANCE OF 114.00 FEET;**
- 4.) SOUTH 78°20'00" EAST A DISTANCE OF 167.00 FEET;**
- 5.) SOUTH 68°58'00" EAST A DISTANCE OF 243.00 FEET;**
- 6.) SOUTH 65°11'00" EAST A DISTANCE OF 75.00 FEET;**

THENCE SOUTH 31°47'30" WEST A DISTANCE OF 40.00 FEET TO A POINT ON SAID NORTH BANK OF SPRING SLOUGH; THENCE FOLLOWING SAID NORTH BANK OF SPRING SLOUGH FOR THE FOLLOWING FOUR COURSES:

- 1.) SOUTH 46°42'30" EAST A DISTANCE OF 229.00 FEET;**
- 2.) SOUTH 15°24'30" EAST A DISTANCE OF 460.00 FEET;**
- 3.) SOUTH 29°26'00" EAST A DISTANCE OF 196.00 FEET;**
- 4.) SOUTH 67°31'30" EAST A DISTANCE OF 293.00 FEET;**

THENCE SOUTH 01°10'53" EAST A DISTANCE OF 994.70 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17, SAID POINT LYING 46.5 RODS EAST OF THE WEST LINE OF SAID SECTION 17; THENCE NORTH 89°49'54" EAST A DISTANCE OF 578.71 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER NORTHWEST QUARTER OF SECTION 17; THENCE SOUTH 00°42'56" WEST A DISTANCE OF 1312.30 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER NORTHWEST QUARTER OF SECTION 17; THENCE SOUTH 89°20'17" WEST A DISTANCE OF 1329.43 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER

CD

OF SAID SECTION 17; THENCE SOUTH $00^{\circ}00'36''$ EAST ALONG THE LINE BETWEEN SAID SECTION 17 AND SECTION 18 A DISTANCE OF 1323.60 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 17; THENCE NORTH $88^{\circ}43'11''$ EAST ALONG THE NORTH LINE OF SAID SOUTH HALF SOUTHWEST QUARTER OF SECTION 17 A DISTANCE OF 1068.50 FEET; THENCE SOUTH A DISTANCE OF 862.38 FEET; THENCE ALONG THE CENTERLINE OF AN EXISTING FLOOD CONTROL LEVEE FOR THE FOLLOWING FIVE COURSES:

- 1.) NORTH $64^{\circ}14'00''$ WEST A DISTANCE OF 2117.88 FEET;
- 2.) NORTH $63^{\circ}38'00''$ WEST A DISTANCE OF 756.14 FEET;
- 3.) NORTH $61^{\circ}23'30''$ WEST A DISTANCE OF 964.60 FEET;
- 4.) 148.28 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF $31^{\circ}46'40''$, A RADIUS OF 267.35 FEET, AND A CHORD WHICH BEARS NORTH $77^{\circ}16'40''$ WEST 146.39 FEET;
- 5.) SOUTH $86^{\circ}50'00''$ WEST A DISTANCE OF 119.57 FEET TO AN EXISTING FENCE LINE; THENCE NORTH $00^{\circ}29'00''$ WEST A DISTANCE OF 3014.50 FEET TO THE POINT OF BEGINNING.

TOWNSHIP 4 NORTH, RANGE 41 E.B.M., MADISON COUNTY, IDAHO.
SECTION 20: N $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$

Commonly known as: 6140 West 5000 South, Rexburg, ID 83440

80



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

November 7, 2019

DERK G MORTON
TINA LOU MORTON
4200 S 5500 W
REXBURG ID 83440-4226

Re: Change in Ownership for Water Right No: 22-10880

Dear Water Right Holders:

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right to you. The Department has modified its records and has enclosed a computer-generated report for you.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 287-4920.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Debbi Judd'.

Debbi Judd
Technical Records Specialist

Enclosures

c: D L EVANS BANK



FAX

Rigby Branch
135 Farnsworth Way | Rigby, ID 83442
Phone: 208.745.8107 | Fax: 208.745.8394

Date: 10/31/2019 Pages (Including Cover): 9
To: Debbi Judd @ IDWR From: Linda Grover NMLS#: _____
Phone: (208) 287-4920 Fax: (208) 287-6700
Re: Water Right #22-10880 Theron McGarry

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply

COMMENTS:

Here is the recorded Grant Deed to move from Theron McGarry's name into the name of the Trust. This should provide you with everything you need to complete the Notice of Change in Water Right Ownership.

Thank You

Linda

CONFIDENTIALITY STATEMENT:

The information contained in this facsimile transmission is intended only for the recipient named above. If the reader of this message is not the intended recipient or the intended recipient's agent, you are hereby notified that any dissemination, distribution or copying of the information contained in this facsimile transmission (other than the intended recipient) is prohibited. If this transmission has reached you in error, please notify us as soon as possible at the telephone number shown above and destroy the facsimile documents.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

October 25, 2019

Gary Spackman
Director

DERK G MORTON
TINA LOU MORTON
4200 S 5500 W
REXBURG ID 83440-4226

RE: Change in Ownership Water Right No: 22-10880

Dear Interested Parties:

The Department of Water Resources (Department) acknowledges receipt of your Notice of Change in Water Right Ownership (Notice).

Our review of your Notice indicates that additional information is required before the Department can process the change. The information required is indicated below:

 X Evidence of Water Right Ownership: copy of Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question. This water right is in the name of Theron R. McGarry. A Quitclaim Deed was submitted conveying property from the Theron R. McGarry Revocable Living Trust, dated August 11, 2016 to you. We require the chain of title (conveyance documents) from Theron R. McGarry to the Theron R. McGarry Revocable Trust.

Because the Department cannot process the Notice without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days we will return your notice and all attachments and your notice will not be processed.

Also, please note that permit holders are required to report any change of ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions regarding this matter, please contact me at (208) 287-4920.

Sincerely,

Debbi Judd
Technical Records Specialist

c: D L EVANS BANK