

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 20 2015

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.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
35-7173	Yes ☐		Yes ☐		Yes ☐
35-12810	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Rulan Spear, S&H Farms, LLC and David O Hinckley
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): K&C WAHLEN LIVING TRUST, dated March 18, 2003
Name of each new owner as listed on the conveyance document

New owner continued Name connector ☐ and ☐ or ☐ and/or
2275 S 2900 W
Mailing address
Aberdeen ID 83210
City State ZIP
208-226-9906 kimwahlenfarms@gmail.com
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: April 7, 2015

6. 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):
 - \$25 per *undivided* water right.
 - \$100 per *split* water right.
 - No fee is required for pending adjudication claims.

SUPPORT DATA

IN FILE # 35-7173

7. Signature: Kim C. Wahlen Kim C. Wahlen, Trustee 4/07/2015
Signature of new owner/claimant Title, if applicable Date

Signature: _____
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by John Date 4-20-15 Receipt No. C100326 Receipt Amt. 75.00

Approved by John Processed by John Date 5-12-15

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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DEPARTMENT OF
WATER RESOURCES

Notice of Change in Water Right Ownership

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Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
35-12810	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Rulan Spear and David O Hinckley
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): K&C WAHLEN LIVING TRUST, dated March 18, 2003
Name of each new owner as listed on the conveyance document

New owner continued Name connector ☐ and ☐ or ☐ and/or
2275 S 2900 W
Mailing address
Aberdeen ID 83210
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☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
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 - \$25 per *undivided* water right.
 - \$100 per *split* water right.
 - No fee is required for pending adjudication claims.

7. Signature: Kim C. Wahlen Kim C. Wahlen, Trustee 4/07/2015
Signature of new owner/claimant Title, if applicable Date

Signature: _____ Title, if applicable Date

For IDWR Office Use Only:

Received by [Signature] Date 4-20-15 Receipt No. C100326 Receipt Amt. 75.00
Approved by _____ Processed by _____ Date _____

ELECTRONICALLY RECORDED

DO NOT REMOVE

POWER COUNTY STAMPED

FIRST PAGE AS IT IS NOW

INCORPORATED AS PART OF

THE ORIGINAL DOCUMENT

Instrument # 207330

POWER COUNTY, IDAHO

04-08-2015 09:57:53 AM No. of Pages: 4

Recorded for: FIRST AMERICAN TITLE - POCATEL

SHAREE SPRAGUE

Fee: \$19.00

Ex-Officio Recorder Deputy: Rhea Petersen

Electronically Recorded by Simplifile

RECORDING REQUESTED BY:

BAKER & HARRIS

266 W Bridge

Blackfoot, ID 83221

EA 535874

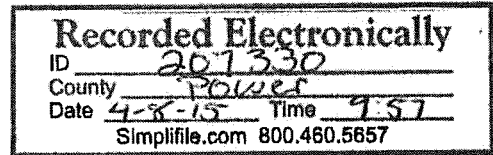
(Space Above For Recorder's Use)

SPECIAL WARRANTY DEED

For Value Received, HINCKLEY BROTHERS, LLC, a Utah limited liability company, the Grantor, does hereby grant, bargain, sell, and convey against all persons claiming, by, through, or under the Grantor unto K&C WAHLEN LIVING TRUST, dated March 18, 2003, of 2275 S 2900 W, Aberdeen, Idaho, 83210, the Grantee, the following-described premises, to-wit:

A PART OF SECTION 31, TOWNSHIP 7 SOUTH, RANGE 29
EAST OF THE BOISE MERIDIAN, POWER COUNTY, STATE
OF IDAHO.

BEGINNING AT THE NORTHEAST CORNER OF SECTION
31 IN T. 7S., R. 29 E.B.M., SAID CORNER MARKED BY A
5/8" REBAR WITH A 2" ALUMINUM CAP ON TO WHICH
SHALL BE THE POINT OF BEGINNING; THENCE SOUTH 00
DEGREES 08 MINUTES 09 SECONDS EAST ALONG THE
EAST LINE OF SECTION 31 FOR A DISTANCE OF 2641.72
FEET TO A 5/8" REBAR WITH A 2" ALUMINUM CAP ON
TOP AT THE EAST 1/4 CORNER OF SECTION 31; THENCE
SOUTH 00 DEGREES 01 MINUTES 57 SECONDS WEST
ALONG THE EAST LINE OF SECTION 31 FOR A DISTANCE
OF 2636.91 FEET TO A U.S. GLO IRON PIPE WITH BRASS
CAP ON TOP AT THE SOUTHEAST CORNER OF SECTION
31; THENCE NORTH 89 DEGREES 59 MINUTES 05
SECONDS WEST ALONG THE SOUTH LINE OF SECTION 31
FOR A DISTANCE OF 4946.61 FEET TO A U.S. GLO IRON
PIPE WITH BRASS CAP ON TOP AT THE SOUTHWEST
CORNER OF SECTION 31; THENCE NORTH 00 DEGREES 03
MINUTES 34 SECONDS EAST ALONG THE WEST LINE OF
SECTION 31 FOR A DISTANCE OF 2633.49 FEET TO A U.S.
GLO IRON PIPE WITH BRASS CAP ON TOP AT THE WEST
1/4 CORNER OF SECTION 31; THENCE N. 00 DEGREES 01
MINUTES 54 SECONDS WEST ALONG THE WEST LINE OF
SECTION 31 FOR A DISTANCE OF 432.40 FEET TO A 1/2"
REBAR; THENCE SOUTH 87 DEGREES 45 MINUTES 17
SECONDS EAST FOR A DISTANCE OF 29.10 FEET TO A 1/2"
REBAR; THENCE NORTH 30 DEGREES 40 MINUTES 04
SECONDS EAST FOR A DISTANCE OF 444.40 FEET TO A



RECORDING REQUESTED BY:

BAKER & HARRIS

266 W Bridge

Blackfoot, ID 83221

FA 535874

(Space Above For Recorder's Use)

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For Value Received, HINCKLEY BROTHERS, LLC, a Utah limited liability company, the Grantor, does hereby grant, bargain, sell, and convey against all persons claiming, by, through, or under the Grantor unto K&C WAHLEN LIVING TRUST, dated March 18, 2003, of 2275 S 2900 W, Aberdeen, Idaho, 83210, the Grantee, the following-described premises, to-wit:

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BEGINNING AT THE NORTHEAST CORNER OF SECTION 31 IN T. 7S., R. 29 E.B.M., SAID CORNER MARKED BY A 5/8" REBAR WITH A 2" ALUMINUM CAP ON TO WHICH SHALL BE THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 08 MINUTES 09 SECONDS EAST ALONG THE EAST LINE OF SECTION 31 FOR A DISTANCE OF 2641.72 FEET TO A 5/8" REBAR WITH A 2" ALUMINUM CAP ON TOP AT THE EAST 1/4 CORNER OF SECTION 31; THENCE SOUTH 00 DEGREES 01 MINUTES 57 SECONDS WEST ALONG THE EAST LINE OF SECTION 31 FOR A DISTANCE OF 2636.91 FEET TO A U.S. GLO IRON PIPE WITH BRASS CAP ON TOP AT THE SOUTHEAST CORNER OF SECTION 31; THENCE NORTH 89 DEGREES 59 MINUTES 05 SECONDS WEST ALONG THE SOUTH LINE OF SECTION 31 FOR A DISTANCE OF 4946.61 FEET TO A U.S. GLO IRON PIPE WITH BRASS CAP ON TOP AT THE SOUTHWEST CORNER OF SECTION 31; THENCE NORTH 00 DEGREES 03 MINUTES 34 SECONDS EAST ALONG THE WEST LINE OF SECTION 31 FOR A DISTANCE OF 2633.49 FEET TO A U.S. GLO IRON PIPE WITH BRASS CAP ON TOP AT THE WEST 1/4 CORNER OF SECTION 31; THENCE N. 00 DEGREES 01 MINUTES 54 SECONDS WEST ALONG THE WEST LINE OF SECTION 31 FOR A DISTANCE OF 432.40 FEET TO A 1/2" REBAR; THENCE SOUTH 87 DEGREES 45 MINUTES 17 SECONDS EAST FOR A DISTANCE OF 29.10 FEET TO A 1/2" REBAR; THENCE NORTH 30 DEGREES 40 MINUTES 04 SECONDS EAST FOR A DISTANCE OF 444.40 FEET TO A

1/2" REBAR; THENCE NORTH 60 DEGREES 24 MINUTES 36 SECONDS EAST FOR A DISTANCE OF 1027.31 FEET TO A 1/2" REBAR; THENCE SOUTH 71 DEGREES 43 MINUTES 06 SECONDS EAST FOR A DISTANCE OF 1154.77 FEET TO A 1/2" REBAR; THENCE NORTH 00 DEGREES 58 MINUTES 03 SECONDS WEST FOR A DISTANCE OF 873.30 FEET TO A 1/2" REBAR; THENCE NORTH 71 DEGREES 02 MINUTES 58 SECONDS EAST FOR A DISTANCE OF 145.03 FEET TO A 1/2" REBAR; THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT FOR A DISTANCE OF 843.37 FEET TO A 1/2" REBAR, SAID CURVE HAVING A RADIUS OF 1336.00 FEET, A DELTA ANGLE OF 36 DEGREES 10 MINUTES 07 SECONDS, AND HAVING A LONG CHORD BEARING OF NORTH 41 DEGREES 43 MINUTES 33 SECONDS EAST FOR A DISTANCE OF 829.43 FEET; THENCE NORTH 07 DEGREES 04 MINUTES 28 SECONDS EAST FOR A DISTANCE OF 143.97 FEET TO A 1/2" REBAR ON THE NORTH LINE OF SECTION 31; THENCE NORTH 89 DEGREES 54 MINUTES 41 SECONDS EAST ALONG SAID LINE FOR A DISTANCE OF 2001.58 FEET TO THE POINT OF BEGINNING.

Together with Water Right Nos. 35-9077, 35-7173 and 35-12810.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Subject to (1) all existing rights-of-ways for public highways, protective covenants, utility lines, existing roadways, irrigation ditches and all building, zoning and other restrictions of use and all easements, claims of easements, and encumbrances of record; (2) 2015 property taxes accruing as a lien; (3) right-of-way or easement of Wapi Road; (4) all matters, and any rights, easements, interests, or claims which may exist by reason thereof, disclosed by survey recorded February 4, 2015; (5) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title including discrepancies, conflicts in boundary lines, shortage in area, or any other facts that would be disclosed by an accurate and complete land survey of the land, and that are not shown in the public records; and (6) any facts, rights, interest, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said GRANTEE, its heirs and assigns forever. The said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises.

DATED this 7 day of April, 2015.

HINCKLEY BROTHERS, LLC

A handwritten signature in cursive script, appearing to read "Heather Limon", written over a horizontal line.

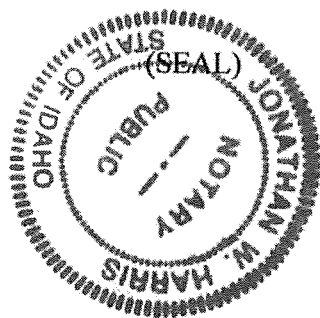
By: Heather Limon

Its: Manager

STATE OF Idaho)
) ss:
County of Bingham)

On this 7 day of April, 2015, before me, a Notary Public for the State of Idaho personally appeared HEATHER LIMON, known or identified to me, to be the Manager of the Grantor limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company and acknowledged to me that such limited liability company 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
Residing at Blackfoot
My Commission Expires 4/22/2016

QUITCLAIM DEED

THIS INDENTURE, made this 24 day of January, 2015, by and between **Cross E Land LLC**, an Idaho limited liability company, as Grantor, and **Hinckley Brothers, LLC**, a Utah limited liability company, Grantee, with a mailing address of 1184 S 1300 E, Bountiful, Utah 84010.

WITNESSETH:

That Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), lawful money of the United States of America, to it in hand paid by Grantee, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM unto Grantee, and to its successors and assigns, all those certain lots, pieces, or parcels of land situate, lying, and being in the County of Power, State of Idaho, bounded and particularly described as follows, to-wit:

See Exhibit A attached hereto

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments, and encumbrances as shown of record, if any.

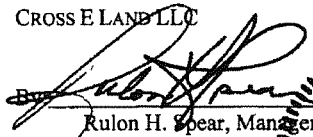
TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

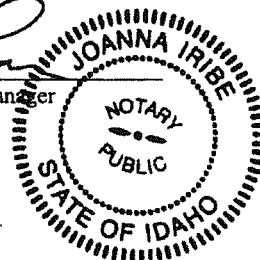
TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances unto Grantee, and to its successors and assigns forever.

Instrument # 206967
POWER COUNTY, IDAHO
1-27-2015 04:17:40 PM No. of Pages: 4
Recorded for : DALON HINCKLEY
SHAREE SPRAGUE Fee: 19.00
Ex-Officio Recorder Deputy *M. Sprague*
Schulze

IN WITNESS WHEREOF, Grantor has hereunto set his hand and seal the day and year first above written.

CROSS E LAND LLC


Rulon H. Spear, Manager



STATE OF IDAHO)
COUNTY OF Cassia)
:ss.

On this 21st day of January, 2015, before me, the undersigned, a Notary Public in and for the State of Utah, personally appeared Rulon H. Spear, the Manager of Cross E Land LLC, known or identified to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same in behalf of Cross E Land LLC.

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

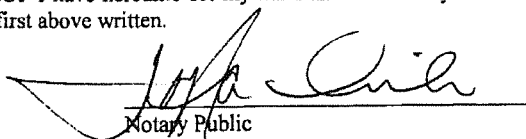

Notary Public

EXHIBIT A
(Legal Description to Quitclaim Deed)

Part of Section 31 in Township 7 South, Range 29 East of the Boise Meridian, Power County, State of Idaho.

Beginning at the Northeast Corner of Section 31 in T.7 S., R. 29 E., B. M. said corner marked by a 5/8" rebar with a 2" aluminum cap on top which shall be the Point of Beginning;

THENCE South 00 degrees 08 minutes 09 seconds East along the east line of Section 31 for a distance of 2641.72 feet to a 5/8" rebar with a 2" aluminum cap on top at the East ~ Corner of Section 31;

THENCE South 00 degrees 01 minutes 57 seconds West along the east line of Section 31 for a distance of 2636.91 feet to a U.S. GLO iron pipe with brass cap on top at the Southeast Corner of Section 31;

THENCE North 89 degrees 59 minutes 05 seconds West along the south line of Section 31 for a distance of 4946.61 feet to a U.S. GLO iron pipe with brass cap on top at the Southwest Corner of Section 31;

THENCE North 00 degrees 03 minutes 34 seconds East along the west line of Section 31 for a distance of 2633.49 feet to a U. S. GLO iron pipe with brass cap on top at the West 1/4 Corner of Section 31;

THENCE North 00 degrees 01 minutes 54 seconds West along the west line of Section 31 for a distance of 432.40 feet to a 1/2" rebar;

THENCE South 87 degrees 45 minutes 17 seconds East for a distance of 29.10 feet to a 1/2" rebar;

THENCE North 30 degrees 40 minutes 04 seconds East for a distance of 444.40 feet to a 1/2" rebar;

THENCE North 60 degrees 24 minutes 36 seconds East for a distance of 1027.31 feet to a 1/2" rebar;

THENCE South 71 degrees 43 minutes 06 seconds East for a distance of 1154.77 feet to a 1/2" rebar;

THENCE North 00 degrees 58 minutes 03 seconds West for a distance of 873.30 feet to a 1/2" rebar ;

THENCE North 71 degrees 02 minutes 58 seconds East for a distance of 145.03 feet to a ½" rebar;

THENCE along a non-tangent curve to the right for a distance of 843.37 feet to a ½" rebar, said curve having a radius of 1336.00 feet, a delta angle of 36 degrees 10 minutes 07 seconds, and a long chord bearing of North 41 degrees 43 minutes 33 seconds East for a distance of 829.43 feet;

THENCE North 07 degrees 04 minutes 28 seconds East for a distance of 143.97 feet to a ½" rebar on the north line of Section 31;

THENCE North 89 degrees 54 minutes 41 seconds East along said line for a distance of 2001.58 feet to the Point of Beginning.

Said property contains 509.78 acres more or less and is subject to an electrical easement and any other easements and rights of way, existing or of record.

WARRANTY DEED

1. Date

January 17, 2006

2. Parties

Grantor:

David O. Hinckley, a single man, and as general partner of Spear and Hinckley an undocumented general partnership consisting of David O. Hinckley and Rulon H. Spear. This land, although titled, in individual names has been used in the business of Spear and Hinckley.
3500 North 2200 West
Salt Lake City, UT, 834116

Rulon H. Spear, a single man, and as general partner of Spear and Hinckley an undocumented general partnership consisting of David O. Hinckley and Rulon H. Spear. This land, although titled, in individual names has been used in the business of Spear and Hinckley.
358 South 2750 East
Declo, ID 83323

Grantee:

Cross E Land LLC, an Idaho Limited Liability Company
358 South 2750 East
Declo, ID 83323

3. Property

Transferred Interest: All grantors' undivided interest.

Idaho County: Power

Description:

Parcel 1

Township 7 South, Range 28 East, Boise Meridian,
Power County, Idaho.
Section 25: NW $\frac{1}{4}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ S $\frac{1}{2}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$

Township 7 South, Range 29 East, Boise Meridian,
Power County, Idaho.
Section 30: Government Lots 3 and 4; SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 31: Government Lots 1 and 2; NE $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$

Township 8 South, Range 28 East, Boise Meridian,
Power County, Idaho.
Section 1: Government Lots 1, 2, 3, and 4; SE $\frac{1}{4}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ S $\frac{1}{2}$; S $\frac{1}{2}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 11: N $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$
Section 12: SW $\frac{1}{4}$ NE $\frac{1}{4}$; W $\frac{1}{2}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$

Township 8 South, Range 29 East, Boise Meridian,
Power County, Idaho.
Section 5: W $\frac{1}{2}$ SW $\frac{1}{4}$
Section 6: E $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$
Section 8: W $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$

Parcel 2

Township 7 South, Range 28 East, Boise Meridian,
Power County, Idaho.
Section 35: S $\frac{1}{2}$ S $\frac{1}{2}$

Township 8 South, Range 28 East, Boise Meridian,
Power County, Idaho.
Section 1: S $\frac{1}{2}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 2: ALL, EXCEPT the SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 3: SE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 11: N $\frac{1}{2}$ N $\frac{1}{2}$

Township 8 South, Range 29 East, Boise Meridian,
Power County, Idaho.
Section 6: Government Lots 5, 6, 7; S $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 7: Government Lot 1; NE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 8: N $\frac{1}{2}$ S $\frac{1}{2}$; W $\frac{1}{2}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$

Parcel 3

Township 7 South Range 29 East, Boise Meridian,
Power County, Idaho.
Section 31: Lots 3, 4; E $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$

Together with:

All improvements, water, water rights, ditches, ditch rights, easements, tenements, hereditaments, appurtenances, reversions, remainders, rents, issues, and profits.

Subject to:

Rights of way for roads and ditches now existing on the property plus all easements and rights-of-way of record, if any, covenants, restrictions, reservations, applicable building and zoning ordinances, use regulations and restrictions, and accruing taxes.

Taxes and assessments for 2005 and all subsequent years.

All facts, rights, claims and interest ascertainable by inspection of the property or by inquiry of persons in possession.

Unpatented mining claims, reservations and exceptions and patents or in acts authorizing their issuance.

4. Consideration

Ten Dollars and other good and valuable consideration, receipt of which is acknowledged.

5. Grant

Grantors, for the consideration listed above hereby grant, bargains, sells, conveys and confirms to grantee,

1/2

189177

its heirs, successors and assigns, the transferred interest in the property described in this deed.

6. Warranties

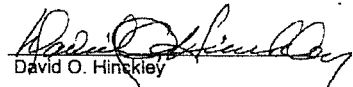
Grantors, for themselves, their heirs, successors and assigns, covenants with grantee's, heirs, successors, and assigns as follows:

Grantors are currently the owners of the property as described in this deed.

Grantors have good right to convey the property described in this deed to grantee.

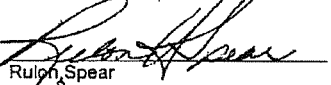
The property described in this deed is free from all encumbrances, except as otherwise shown in this deed.

Grantors warrant and will defend the quiet and peaceful possession of the property granted by this deed to grantee, its heirs, successors and assigns against the lawful claims of all persons.


David O. Hinckley

Spear and Hinckley

By 
Its David Hinckley, Partner

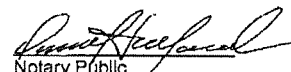

Rulon Spear

Spear and Hinckley

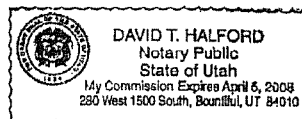
By 
Its Rulon Spear, Partner

STATE OF UTAH
County of DAVIS ss.

On December 4, 2005 before me David T. Halford a notary public, personally appeared David O. Hinckley, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.


Notary Public
Residing At: Sandy, Utah
Commission Expires:

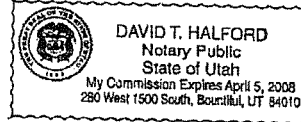
(SEAL)



STATE OF UTAH
County of Davis ss.

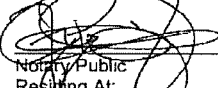
On December 4, 2005 before me David T. Halford a notary public, personally appeared David O. Hinckley, known or identified to me, to be one of the partners in the partnership of Spear and Hinckley, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.


Notary Public
Residing At: Sandy, UT
Commission Expires:
(SEAL)



STATE OF ARIZONA
County of Pima ss.

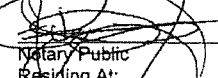
On ~~December 4, 2005~~ January 17, 2006 before me Fernando Pesqueira a notary public, personally appeared Rulon Spear, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

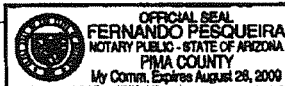

Notary Public
Residing At:
Commission Expires:
(SEAL)



STATE OF ARIZONA
County of Pima ss.

On ~~December 4, 2005~~ January 17, 2006 before me Fernando Pesqueira a notary public, personally appeared Rulon Spear, known or identified to me to be one of the partners in the partnership of Spear and Hinckley, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.


Notary Public
Residing At:
Commission Expires:
(SEAL)



Instrument # 189177

POWER COUNTY, IDAHO
2006-04-17 12:51:46 No. of Pages: 2
Recorded for: BEARD ST. CLAIR
CHRISTINE STEINLICH
Ex-Officio Recorder Deputy

Fee: 6.00

2 / 2

28061

WARRANTY DEED

For Value Received WILLIAM SCHROEDER and ANNE SCHROEDER, HUSBAND AND WIFE and CLARENCE SCHROEDER and SYLVIA SCHROEDER, HUSBAND AND WIFE, AND WILLIAM SCHROEDER SUCCESSOR TRUSTEE OF THE ARMIN H. SCHROEDER FAMILY LIVING TRUST, DATED AUGUST 26, 1982

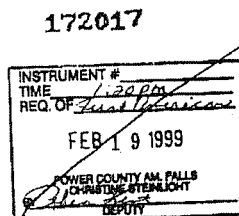
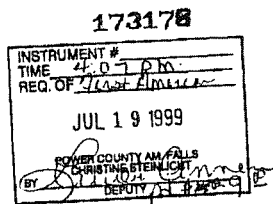
Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

DAVID O. HINCKLEY and RULON SPEAR DBA S & H FARMS,

whose address is, 3500 North 2200 West Salt Lake City, Utah 84116

Hereinafter called the Grantee, the following described premises situated in POWER County, Idaho, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE.



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 their 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.

Dated: February 17, 1999

William Schroeder
WILLIAM SCHROEDER

Clarence Schroeder
CLARENCE SCHROEDER

Anne Schroeder
ANNE SCHROEDER

Sylvia Schroeder
SYLVIA SCHROEDER

William Schroeder, Trustee
WILLIAM SCHROEDER, SUCCESSOR TRUSTEE OF THE ARMIN H. SCHROEDER FAMILY LIVING TRUST

STATE OF IDAHO)
COUNTY OF BANNOCK)

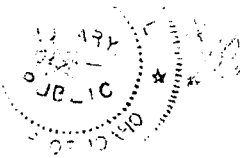
On This 18th day of February, 1999, before me, a Notary Public in and for said State, personally appeared WILLIAM SCHROEDER and ANNE SCHROEDER and CLARENCE SCHROEDER and SYLVIA SCHROEDER, known or identified to me to be the person(s) whose name(s) ARE subscribed to the within Instrument, and acknowledged to me that THEY executed the same.



Ken J. Hall
Notary Public of Idaho
Residing at POCA TELLO, ID
Commission Expires: 04/28/99

STATE OF IDAHO)
 : ss
COUNTY OF BANNOCK)

On This 18TH day of FEBRUARY, in the year 1999, before me, a Notary Public in and for said State, personally appeared WILLIAM SCHROEDER, known or identified to me to be the SUCCESSOR TRUSTEE whose name IS subscribed to the within instrument as SUCCESSOR TRUSTEE of the ARMIN H. SCHROEDER FAMILY LIVING TRUST, and acknowledged to me that HE executed the same as such SUCCESSOR TRUSTEE.



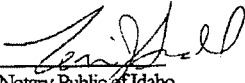

Notary Public of Idaho
Residing at POCA TELLO, IDAHO
Commission Expires: 4/28/99

EXHIBIT A

PARCEL 1:

Township 7 South, Range 28 East, Boise Meridian, Power County, Idaho.
Section 25: NW~~1~~SW~~4~~; S~~1~~S~~4~~; NE~~1~~SE~~4~~

Township 7 South, Range 29 East, Boise Meridian, Power County, Idaho.
Section 30: Government Lots 3 and 4; SE~~1~~SE~~4~~

Section 31: Government Lots 1 and 2; NE~~1~~; E~~1~~NW~~4~~

Township 8 South, Range 28 East, Boise Meridian, Power County, Idaho.
Section 1: Government Lots 1, 2, 3, and 4; SE~~1~~NE~~4~~; N~~1~~S~~4~~; S~~1~~SW~~4~~; SW~~1~~SE~~4~~

Section 11: N~~1~~SW~~4~~; SE~~1~~; S~~1~~NE~~4~~; S~~1~~NW~~4~~

Section 12: SW~~1~~NE~~4~~; W~~1~~; SW~~1~~SE~~4~~

Township 8 South, Range 29 East, Boise Meridian, Power County, Idaho.
Section 5: W~~1~~SW~~4~~

Section 6: E~~1~~SW~~4~~; SE~~1~~

Section 8: W~~1~~NE~~4~~; SE~~1~~NE~~4~~; NE~~1~~NE~~4~~; SE~~1~~NW~~4~~

PARCEL 2:

Township 7 South, Range 28 East, Boise Meridian, Power County, Idaho.
Section 35: S~~1~~S~~4~~

Township 8 South, Range 28 East, Boise Meridian, Power County, Idaho.
Section 1: S~~1~~NW~~4~~; SW~~1~~NE~~4~~; SE~~1~~SE~~4~~

Section 2: ALL, EXCEPT the SW~~1~~SW~~4~~

Section 3: SE~~1~~NE~~4~~; NE~~1~~SE~~4~~

Section 11: N~~1~~N~~4~~

Township 8 South, Range 29 East, Boise Meridian, Power County, Idaho.
Section 6: Government Lots 5, 6, 7; S~~1~~NE~~4~~; SE~~1~~NW~~4~~

Section 7: Government Lot 1; NE~~1~~NE~~4~~; NE~~1~~NW~~4~~

Section 8: N~~1~~S~~4~~; W~~1~~NW~~4~~; NE~~1~~NW~~4~~

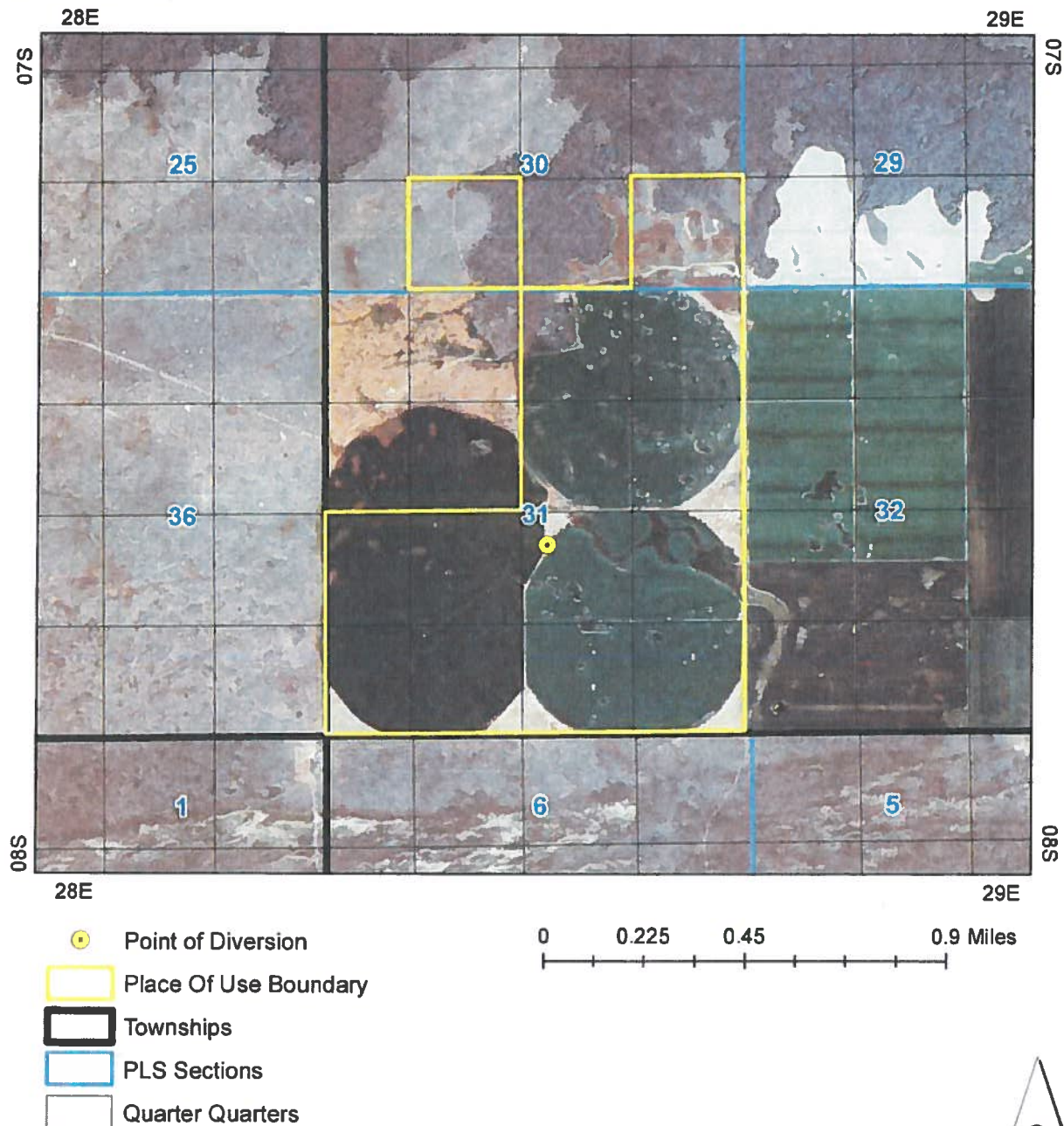
PARCEL 3:

Township 7 South, Range ²⁷~~28~~ East, Boise Meridian, Power County, Idaho.
Sec. 31: Lots 3, 4; E~~1~~SW~~4~~; SE~~1~~

State of Idaho
Department of Water Resources
Application For Permit
35-9077

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

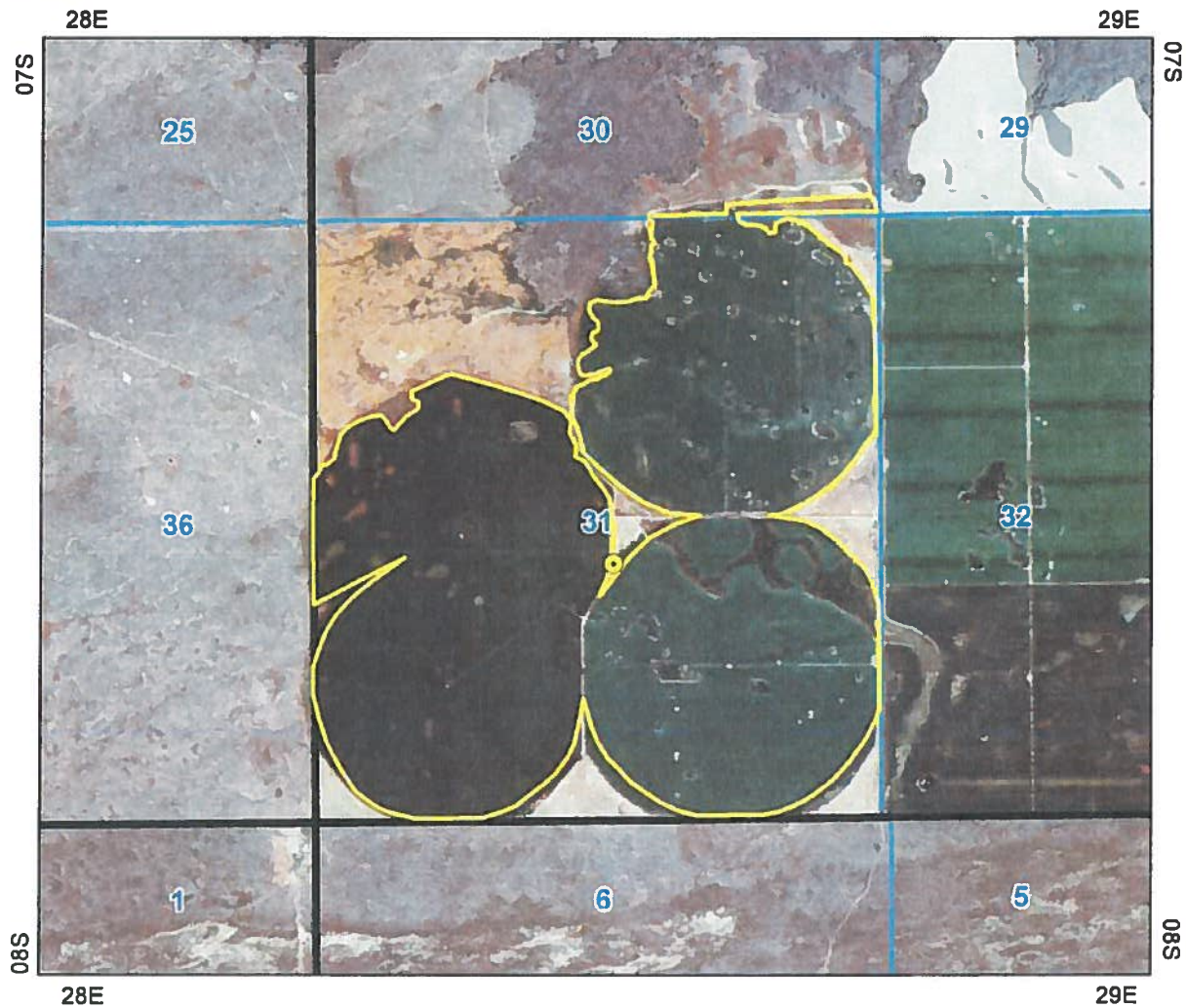


State of Idaho
Department of Water Resources

**Water Right
35-7173**

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



0 0.175 0.35 0.7 Miles

-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

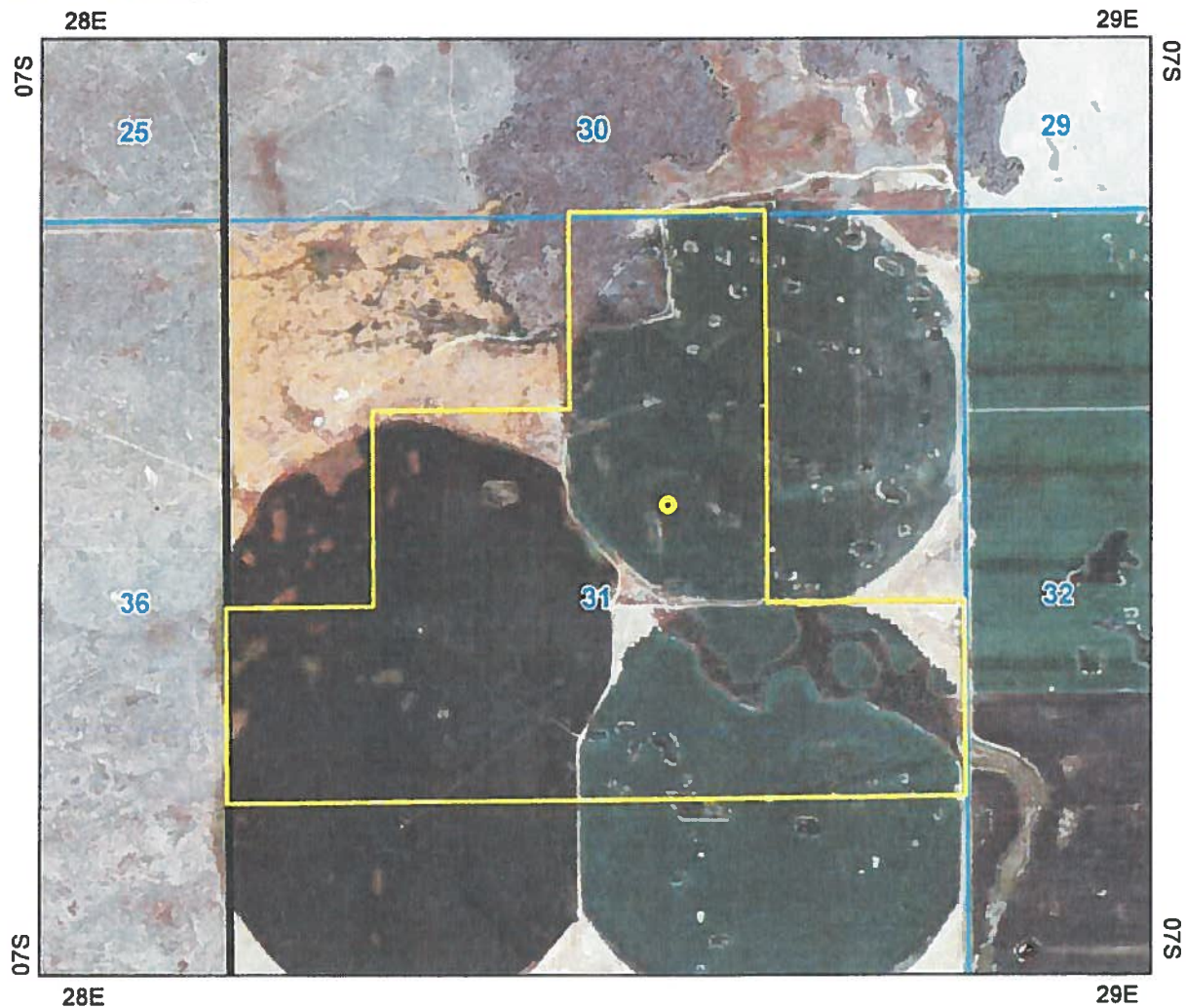


State of Idaho
Department of Water Resources

Water Right
35-12810

STOCKWATER

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

0 0.125 0.25 0.5 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

May 12, 2015

K & C WAHLEN LIVING TRUST
2275 S 2900 W
ABERDEEN ID 83210

Re: Change of Ownership for Water Right/Permit No(s): 35-7173 and 35-12810

Dear Water Right Holder(s):

The Department acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records to reflect this change in ownership and has enclosed a computer-generated report for your records.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been forfeited 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 § 42-222 and §42-223, Idaho.

You also requested a change in ownership for water right 35-9077. This right is still an application for permit. An assignment of application for permit is needed to update the ownership of this pending right. Enclosed is an assignment of application for permit. Please fill in the required information. The original applicant should sign and have the assignment notarized. Please send the information to our Eastern Region office, 900 N Skyline Dr., Ste A, Idaho Falls, Idaho, 83402-1718

There is no fee associated with an assignment of application for permit. A refund of \$25 will be requested and sent to Baker & Harris under separate cover from the State Controller's Office.

Also note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right, to the Department. Notice of the change must be provided to the Department within 120 days of the change. Change reporting forms are available from any office of the Department, or at www.idwr.idaho.gov.

Thank you for your patience. If you have any questions concerning the enclosed information, please feel free to contact me at (208) 287-4942.

Sincerely,

A handwritten signature in black ink that reads "Jean Hersley". The signature is written in a cursive, flowing style.

Jean Hersley
Technical Records Specialist II

Enclosure(s)

c: Baker & Harris
Water District No. 120

MEMORANDUM

TO: Sascha Marston
FROM: Jean Hersley 
DATE: May 12, 2015
RE: Refund: Ownership Change

Please refund \$25.00. Ownership change of one water right was not completed.

NAME: BAKER & HARRIS

ADDRESS: 226 W BRIDGE ST
BLACKFOOT ID 83221

RECEIPT #:C100326

Thank you.

Jean

Hersley, Jean

From: Hersley, Jean
Sent: Monday, April 20, 2015 3:47 PM
To: 'jwharris@bakerharrislaw.com'
Subject: Notice of Change in Water Right Ownership for K&C Wahlen Living Trust 35-9077, 35-7173 and 35-12810
Attachments: Assignment of Application for Permit.pdf

Mr. Harris,

The Department of Water Resources received your request for a Change in Water Right Ownership for K & C Wahlen Living Trust. 35-9077 is still in the application stage and requires an Assignment of Application, which I have attached. There is no fee for the assignment of application. A refund of \$25 will be requested. Please complete the attached form and return it to our Eastern Region office at 900 N Skyline Dr, Ste A, Idaho Falls, Idaho, 83402-1718. If you have any questions, please contact me. Thank you.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*

RECEIVED

APR 20 2015

DEPARTMENT OF
WATER RESOURCES

Law Offices of
BAKER & HARRIS

Dwight E. Baker
Jared M. Harris*
Jonathan W. Harris
* Also Admitted in Utah

266 W. BRIDGE STREET
BLACKFOOT, ID 83221
Telephone (208) 785-2310
Facsimile (208) 785-6749
E-Mail — @bakerharrislaw.com

April 17, 2015

Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0003

Re: Notice of Change in Water Right Ownership - K&C Wahlen Living Trust
B & H Matter No. 10155

Dear Sir or Madam:

Enclosed please find the following:

1. Department of Water Resources Notices of Change in Water Right Ownership for Water Right Numbers 35-9077, 35-7173, and 35-12810;
2. Point of Diversion and Place of Use Boundary Maps for Water Right Numbers 35-9077, 35-7173, and 35-12810; and
3. Warranty Deed 173178, Warranty Deed 189177, Quit Claim Deed 206967, Special Warranty Deed 207330.

Additionally, we have enclosed our check in the sum of \$75.00 for the transfer fees. If you should require anything further, please advise.

We appreciate your assistance in this matter.

Very truly yours,

BAKER & HARRIS



Jonathan W. Harris

JWH/jm

Enclosures

cc:

Check#11638/\$75.00

Kim Whalen, via email