

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 25 2015

Department of Water Resources
Eastern Region

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?
23-11208	Yes ☒	Yes ☐		Yes ☐	Yes ☐
25-4146	Yes ☒	Yes ☐		Yes ☐	Yes ☐
25-141110	Yes ☒	Yes ☐		Yes ☐	Yes ☐
25-14110	Yes ☒	Yes ☐		Yes ☐	Yes ☐
25-000730	Yes ☒	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Lucile Avery (Orval Avery)
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): John O. Avery Cheryl A. Avery
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☒ and/or
- 7747 E-Foothill Rd Idaho Falls ID 83401
Mailing address City State ZIP
- 208 589-3342 johnoavery@hotmail.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: 23-11208 on 10/16/2014 - All Others - Nov 10, 2009
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):
☐ \$25 per undivided water right.
☐ \$100 per split water right.
☐ 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.

SUPPORT DATA

IN FILE # 23-11208

8. Signature: [Signature] Owner 2/24/2015
Signature of new owner/claimant Title, if applicable Date
- Signature: [Signature] Co-Owner 2/24/2015
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by [Signature] Date 2/25/2015 Receipt No. E040674 Receipt Amt. \$125-

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

Name on W-9 _____ Approved by [Signature] Processed by [Signature] W-9 received? Yes ☐ No ☐ Date 4/15/2015

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
670 South Woodruff
Idaho Falls, ID 83401

Instrument # 1484507
IDAHO FALLS, BONNEVILLE, IDAHO
2014-10-29 11:55:25 AM No. of Pages: 4
Recorded for: FIRST AMERICAN TITLE - IDAHO F
RONALD LONGMORE Fee: \$19.00
Ex-Officio Recorder Deputy SJohn
Index To: DEED WARRANTY
Electronically Recorded by Simplifile

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **512930-IF (mh)**

Date: **October 16, 2014**

For Value Received, **Heirs and Devisees of Lucile W. Avery, deceased, Yvonne Avery Gudmundson was appointed General Personal Representative of the estate**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **John O. Avery and Cheryl A. Avery, husband and wife**, hereinafter called the Grantee, whose current address is **7747 E. Foothill Road, Idaho Falls, ID 83401**, the following described premises, situated in **Bonneville County, Idaho**, to-wit:

PARCEL 1

**ALL THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 3 NORTH, RANGE 41, EAST OF THE BOISE MERIDIAN, BONNEVILLE COUNTY, IDAHO, LYING SOUTH AND WEST OF THE FOLLOWING DESCRIBED LINE:
BEGINNING AT A POINT WHICH IS SOUTH 89°04'34" EAST 1315.67 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION (SAID POINT BEING A B.L.M. BRASS CAP);
RUNNING THENCE NORTH 01°30'23" EAST 1294.36 FEET; THENCE NORTH 84°33'51" WEST 1423.44 FEET.**

LESS AND EXCEPTING THEREFROM:

ALL OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 3 NORTH, RANGE 41, EAST OF THE BOISE MERIDIAN, BONNEVILLE COUNTY, IDAHO.

PARCEL 2

THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 3 NORTH, RANGE 41, EAST OF THE BOISE MERIDIAN, BONNEVILLE COUNTY, IDAHO.

LESS AND EXCEPTING THAT PART OR PORTION OF THE FOLLOWING DESCRIBED PROPERTY THAT IS WITHIN THE BOUNDARIES OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 35:

512930-IF
First American Title Co.
670 S. Woodruff
Idaho Falls, ID 83401

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 34, THE TRUE POINT OF BEGINNING AND RUNNING THENCE SOUTH 89°57'00" EAST 348.51 FEET TO CORNER NO. 1; THENCE NORTH 30°51'58" WEST 1303.93 FEET TO CORNER NO. 2; THENCE NORTH 65°11'10" WEST 856.29 FEET TO CORNER NO. 3; THENCE NORTH 64°10'39" WEST 376.55 FEET TO CORNER NO. 4; THENCE NORTH 48°02'23" WEST 583.28 FEET TO CORNER NO. 5; THENCE NORTH 68°37'19" WEST 396.96 FEET TO CORNER NO. 6; THENCE NORTH 62°05'57" WEST 749.92 FEET TO CORNER NO. 7; THENCE NORTH 49°18'30" WEST 718.66 FEET TO CORNER NO. 8; THENCE NORTH 31°32'24" WEST 293.12 FEET TO CORNER NO. 9; THENCE NORTH 03°20'48" WEST 364.88 FEET TO CORNER NO. 10; THENCE NORTH 05°16'21" EAST 842.07 FEET TO CORNER NO. 11; THENCE NORTH 72°28'19" WEST 329.65 FEET TO CORNER NO. 12; THENCE SOUTH 83°24'47" WEST 287.86 FEET TO CORNER NO. 13; THENCE SOUTH 59°02'20" WEST 1062.35 FEET TO CORNER NO. 14; THENCE SOUTH 89°54'00" EAST 1096.22 FEET TO CORNER NO. 15; THENCE SOUTH 3960.00 FEET TO CORNER NO. 16; THENCE SOUTH 89°54'00" EAST 1320.00 FEET TO CORNER NO. 17; THENCE NORTH 1320 FEET TO CORNER NO. 18; THENCE SOUTH 89°54'00" EAST 1320.00 FEET TO CORNER NO. 19; THENCE SOUTH 1320 FEET TO CORNER NO. 20; THENCE SOUTH 89°54'00" EAST 1320.00 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 34, THE POINT OF BEGINNING.

PARCEL 3

SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 3 NORTH, RANGE 41, EAST OF THE BOISE MERIDIAN, BONNEVILLE COUNTY, IDAHO.

PARCEL 4

LOTS 3 AND 4 OF SECTION 1, TOWNSHIP 2 NORTH, RANGE 41, EAST OF THE BOISE MERIDIAN, BONNEVILLE COUNTY, IDAHO.

LESS AND EXCEPTING THEREFROM:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 2, TOWNSHIP 2 NORTH, RANGE 41 EAST OF THE BOISE MERIDIAN, BONNEVILLE COUNTY, IDAHO; RUNNING THENCE S89°43'05"W ALONG THE SECTION LINE 37.76 FEET; THENCE S00°16'55"E 33.58 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF A COUNTY ROAD; RUNNING THENCE S08°16'26"E 442.37 FEET; THENCE N83°37'19"W 90.71 FEET; THENCE N12°46'00"W 406.12 FEET TO SAID SOUTHERLY RIGHT-OF-WAY LINE; THENCE N79°12'24"E ALONG SAID RIGHT-OF-WAY LINE 47.42 FEET; THENCE N73°29'14"E ALONG SAID RIGHT-OF-WAY LINE 67.60 FEET; THENCE N54°02'47"E ALONG SAID RIGHT-OF-WAY LINE 5.98 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 5

LOTS 1 AND 2 OF SECTION 2, TOWNSHIP 2 NORTH, RANGE 41, EAST OF THE BOISE MERIDIAN, BONNEVILLE COUNTY, IDAHO.

LESS AND EXCEPTING THEREFROM:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 2, TOWNSHIP 2 NORTH, RANGE 41 EAST OF THE BOISE MERIDIAN, BONNEVILLE COUNTY, IDAHO; RUNNING THENCE S89°43'05"W ALONG THE SECTION LINE 556.26 FEET; THENCE S00°16'55"E 8.25 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF A COUNTY ROAD; RUNNING THENCE S06°51'33"W 437.33 FEET; THENCE N83°08'27"W 100.00 FEET; THENCE N06°51'33"E 427.70 FEET TO SAID SOUTHERLY RIGHT-OF-WAY LINE; THENCE N86°04'17"E ALONG SAID RIGHT-OF-WAY LINE 66.59 FEET; THENCE S78°27'15"E ALONG SAID RIGHT-OF-WAY LINE 34.70 FEET TO THE TRUE POINT OF BEGINNING.

ALSO LESS AND EXCEPTING THEREFROM:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 2, TOWNSHIP 2 NORTH, RANGE 41 EAST OF THE BOISE MERIDIAN, BONNEVILLE COUNTY, IDAHO; RUNNING THENCE S89°43'05"W ALONG THE SECTION LINE 37.76 FEET; THENCE S00°16'55"E 33.58 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF A COUNTY ROAD; RUNNING THENCE S08°16'26"E 442.37 FEET; THENCE N83°37'19"W 90.71 FEET; THENCE N12°46'00"W 406.12 FEET TO SAID SOUTHERLY RIGHT-OF-WAY LINE; THENCE N79°12'24"E ALONG SAID RIGHT-OF-WAY LINE 47.42 FEET; THENCE N73°29'14"E ALONG SAID RIGHT-OF-WAY LINE 67.60 FEET; THENCE N54°02'47"E ALONG SAID RIGHT-OF-WAY LINE 5.98 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 6

LOTS 3 AND 4, THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 2 NORTH, RANGE 41, EAST OF THE BOISE MERIDIAN, BONNEVILLE COUNTY, IDAHO.

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.

Date: 10/16/2014

Warranty Deed
- continued

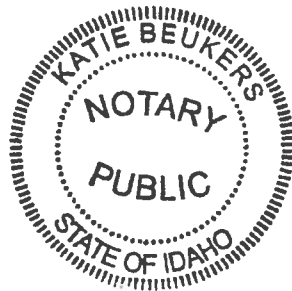
File No.: 512930-IF (mh)

Heirs and Devisees of Lucile W. Avery,
deceased, Yvonne Avery Gudmundson was
appointed General Personal Representative
of the estate

Yvonne A. Gudmundson
Yvonne Avery Gudmundson, Personal
Representative

STATE OF Idaho)
SS.
COUNTY OF Bonneville)

On this **Twenty-first day of October, 2014**, before me, a Notary Public in and for said State,
personally appeared **Yvonne Avery Gudmundson**, known or identified to me to be the person(s)
whose name(s) is subscribed to the within instrument as Personal Representative of the Estate of **Lucile
W. Avery**, and acknowledged to me that she executed the same as such Personal Representative.



Katie Beukers

Notary Public of Idaho

Residing at: Rexburg, ID

Commission Expires: ~~02/13/2018~~ 08/30/2019

WARRANTY DEED

1. Date

November 10, 2009 effective January 1, 2008.

2. Parties

Grantor: Lucile W. Avery, a widow, aka Lucille Avery.

Current address: 7837 E. Foothill Drive, Idaho Falls, ID 83401

Grantee: John O. Avery, a married man as his sole and separate property

Current address: 7747 E. Foothill Drive, Idaho Falls, ID 83401

3. Property

Idaho County: Bonneville

Transferred interest: Grantor's entire fee simple

Street Address: No address has been assigned to the property except the portion that is the grantor's residence the address of which is stated above.

Approximate Number of Acres: 170

Description:

Attachment A to this deed describes the property being conveyed.

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

Reservations:

The Grantor reserves a life estate in the main residence on the property and adjacent yard.

Subject to:

1. 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.
2. Taxes and assessments for 2008 and all subsequent years.
3. All facts, rights, claims and interest ascertainable by inspection of the property or by inquiry of persons in possession.

Instrument # 1348947

IDAHO FALLS, BONNEVILLE, IDAHO
2009-11-10 03:42:08 PM No. of Pages: 3
Recorded for: FIRST AMERICAN TITLE - ID
RONALD LONGMORE Fee: 9.00
Ex-Officio Recorder Deputy SJacobs
Index To: DEED WARRANTY
Electronically Recorded by Simplifile

County Recorder Use Only

4. 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

Grantor, for the consideration listed above hereby grants, bargains, sells, conveys and confirms to grantee, his heirs, successors and assigns, the transferred interest in the property described in this deed.

6. Warranties

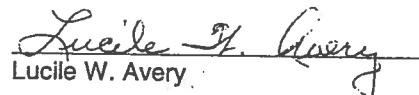
Grantor, for herself, her heirs, successors and assigns, covenants with grantee, his heirs, successors, and assigns as follows:

Grantor is currently the owner of the property as described in this deed, provided, however, the property may be in whole or in part subject to the interest of the heirs and devisees of Orval E. Avery, aka Orval E. Avery deceased. Grantee takes the property subject to Grantee's taking all necessary steps to clear title of and from any interest of the heirs and devisees of Orval E. Avery, deceased.

Grantor has 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 or of record.

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


Lucile W. Avery

296908-IF
First American Title Co.
900 Pier View Dr., Suite 110
Idaho Falls, ID 83402

1348947

STATE OF IDAHO

County of Bonneville

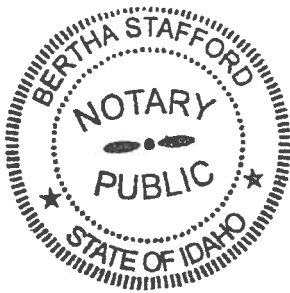
)
) SS
)

On November 10, 2009 before me,
Bertha Stafford, an Idaho notary public,
personally appeared Lucile W. Avery, known or identified
to me to be the person who executed this instrument and
acknowledged to me that she executed the same.

In witness, I have set my hand and affixed my official seal
the day and year in this certificate first above written.

Bertha Stafford
Notary Public for Idaho
Residing at: Idaho Falls, ID
Commission expires: 1-27-11

(SEAL)



**Attachment A to Warranty Deed from Lucile W. Avery
to John O. Avery**

Township 3 North, Range 39 EBM
Bonneville County, Idaho

Section 20

E1/2 South of Sand Creek.

Less and except the following:

The portion of the SE1/4 South of Foothill
County Road.

Also less and except the following:

Any portion of the Oregon Short Line
Railroad Company within the said E1/2
described in the deed recorded March 2,
1914 of Book 6 of Deeds at page 298.

Also less and except the following:

Beginning at a point on the west line of
said Southeast quarter, said point being
on the centerline of Sand Creek; then
East a right angles to said West line, 130
feet; then South and parallel with the West
line of said Southeast quarter to a point on
the Northwestern right of way line of the
Union Pacific Railroad; then
Southwesterly along said right of way line
to a point on the said West line; then
North along the West line to the point of
beginning.

Section 21

SW1/4NW1/4 South of Sand Creek, and

East 990 Feet of SW1/4NW1/4 between Sand
Creek and Willow Creek, and

SW1/4 North of Foothill Road, and

E1/2NW1/4 North of Foothill Road, and

The portion of NW1/4NE1/4 described as follows:

Beginning at the Northwest corner of the
Northeast quarter of Section 21, then East
220 feet, more or less, to the county road,
then Southwesterly following the county
road to the North bank of Willow Creek,
then West along the North Bank 50 feet,
more or less, to a point on the West line of
said Northeast quarter, 1270 feet south of
the point of beginning; then North to the
point of beginning.

Less and except the following:

Beginning at the Northwest corner of
Section 21; then South 89°59'07" East
along the North line of the Section
2628.88 feet to the North quarter Corner;

then South 00°25'24" West along the
North/South centerline 920 feet to the
TRUE POINT OF BEGINNING; Then
South 00°25'24" West 229.84 feet to a
point on a curve right which falls on the
northerly right-of-way line of the old
Oregon Short Line Railroad; Delta =
02°48'29" Radius = 5692.03' Arc = 278.97'
Tangent = 139.51' for a chord distance of
278.94 feet and a chord bearing of South
60°55'28" West; then North 27°40'21"
West 22.0 feet; then North 40°52'57" East
140.78 feet; then North 34°20'00" East
290 feet to the TRUE POINT OF
BEGINNING.

And also less and except the following;

Beginning at a point on a fence line of the
southerly side of an irrigation ditch that
lies South 18°54'35" East 3091.82 feet
from the Northwest Corner of Section 21,
then North 67°38'22" East along the fence
line 80.40 feet; then North 69°10'08" East
75.61 feet; then North 62°37'08" East
74.62 feet; then North 59°22'52" East
77.09 feet; then North 70°15'15" East
81.54 feet; then North 73°55'07" East
74.59 feet; then North 72°42'00" East
31.02 feet; then leaving said fence line
and running South 25°40'22" East 115.80
feet to the northerly side of Foothill Road
and then South 57°10'14" 459.96 feet;
then North 35°50'02" West 203.82 feet to
the point of beginning.

Also less and except the Oregon Short Line Rail
road.

Also less and except Sand Creek and Willow
Creek.