

RECEIVED

FEB 11 2015

WATER RESOURCES  
WESTERN REGIONSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 12 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? |
|-----------------------|------------------------------|------------------------------|-----------------------|------------------------------|------------------------------|
| 29-63 <i>OK</i>       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |

2. Previous Owner's Name: GORDON L. AVERY, JANET M. AVERY, DOUBLE A LAND & LIVESTOCK  
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): IDAHO TRANSPORTATION DEPARTMENT (ITD)  
New owner(s) as listed on the conveyance document      Name connector ☐ and ☐ or ☐ and/or
- |                        |                                    |              |              |
|------------------------|------------------------------------|--------------|--------------|
| <u>P.O. Box 7129</u>   | <u>Boise</u>                       | <u>ID</u>    | <u>83707</u> |
| <u>Mailing address</u> | <u>City</u>                        | <u>State</u> | <u>ZIP</u>   |
| <u>(208) 334-8507</u>  | <u>nancy.patrick@itd.idaho.gov</u> |              |              |
| <u>Telephone</u>       | <u>Email</u>                       |              |              |
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: January 5, 2015
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: *Dore B. Splitt*      Right-of-Way Manager (ITD)      1/13/2014  
 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 *as*      Date 2/11/15      Receipt No. W042811      Receipt Amt. \$25<sup>00</sup>

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 *X*      Approved by *JB*      Processed by *JB*      Date 3/19/2015

6-1  
After recording return to:  
Right of Way  
Idaho Transportation Department  
PO Box 7129  
Boise ID 83707-1129

OFFICIAL RECORD BK# 987  
BANNOCK COUNTY IDAHO

21500122

RECORDED AT REQUEST OF  
FEE 8 DEPUTY Am

ALLIANCE TITLE & ESCROW

21500122

2015 JAN -5 P 3:31

Project No. A014(011)  
Key No. 14011  
Parcel No. 2  
Parcel ID No. 45918

### WARRANTY DEED

THIS INDENTURE is made this 29<sup>th</sup> day of December, 2014, between  
**DOUBLE "A" LAND & LIVESTOCK, LIMITED PARTNERSHIP**, also known as **DOUBLE A LAND & LIVESTOCK**, and **RUSSELL J. AVERY and TERESIA V. AVERY, husband and wife**, as their interests may appear (collectively, "Grantor"), and the **STATE OF IDAHO, IDAHO TRANSPORTATION BOARD**, by and through the **IDAHO TRANSPORTATION DEPARTMENT**, whose address is 3311 West State Street, Boise, Idaho 83703 ("Grantee").

WITNESSETH: That Grantor, for value received, does by these presents, grant, bargain, sell and convey unto Grantee the following described real property situated in the County of **BANNOCK**, State of **IDAHO**, to-wit:

SEE LEGAL DESCRIPTION ON EXHIBIT A ATTACHED HERETO  
AND BY THIS REFERENCE MADE A PART HEREOF

Consisting of 69.55 acres more or less.

Together with all appurtenances, easements, rights of way,  
and pertinent water rights of McCammon Ditch Company and  
Idaho Department of Water Resources Water Right No. 29-63.

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

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Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by Grantee; and subject to reservations, restrictions, dedications, easements, right of way and agreements (if any) of record, and general taxes and assessments (includes irrigation and utility assessments (if any) for the current year which are not yet due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, Grantor has executed this Deed the day and year first above written.

GRANTOR:

DOUBLE "A" LAND & LIVESTOCK, LIMITED  
PARTNERSHIP

By: Russell J. Avery  
RUSSELL J. AVERY, General Partner

Russell J. Avery  
RUSSELL J. AVERY  
Teresia V. Avery  
TERESIA V. AVERY

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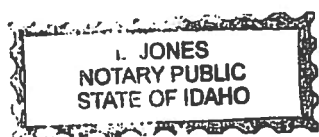
Project No. A014(011)  
Key No. 14011  
Parcel No. 2  
Parcel ID No. 45918

21500122

STATE OF IDAHO )  
 ) ss.  
County of BANNOCK )

On this 29<sup>th</sup> day of December, 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared RUSSELL J. AVERY, known to me to be the General Partner of DOUBLE "A" LAND & LIVESTOCK, LIMITED PARTNERSHIP, and the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same on behalf of such limited partnership.

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

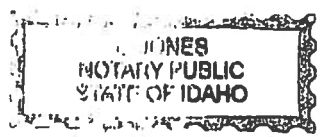


L. Jones  
Notary Public for Pocatello, Idaho  
Residing at \_\_\_\_\_  
My commission expires \_\_\_\_\_ **RESIDES IN**  
**POCATELLO**  
**EXPIRES 06-01-2019**

STATE OF IDAHO )  
 ) ss.  
County of BANNOCK )

On this 29<sup>th</sup> day of December, 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared RUSSELL J. AVERY and TERESIA V. AVERY, known or identified to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they 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.



L. Jones  
Notary Public for Pocatello, Idaho  
Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_ **RESIDES IN**  
**POCATELLO**  
**EXPIRES 06-01-2019**

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Project No. A014(011)  
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## EXHIBIT A

### Parcel 1:

Township 9 South, Range 37 East of the Boise Meridian, Bannock County, Idaho

Section 18: All of that portion of Lot 5 West and Westerly of the right -of-way line of State Highway No. 30

Section 19: All of that portion of Lot 1 West and Westerly of the right-of-way line of State Highway No. 30.

All of that portion of Lot 2 South and West of the Westerly right-of-way line of State Highway No. 30.

All of that portion of lot 9 North of the Northerly Railroad right-of-way line.

### Parcel 2:

Township 9 South, Range 37 East of the Boise Meridian, Bannock County, Idaho

Section 19: All of that portion of Lot 8 North of the Northerly Railroad right-of-way line.

### Parcel 3:

Township 9 South, Range 37 East of the Boise Meridian, Bannock County, Idaho

Section 19: All of that portion of Lot 3 lying South of the North bank of the Portneuf River as shown on Survey recorded November 3, 2003 as Instrument No. 20329642, and described in Quitclaim Deed recorded April 6, 2004 as Instrument No. 20406907, records of Bannock County, Idaho.

### Parcel 4:

A parcel of land located in Lot 8, Section 20, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho, described as follows:

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**COMMENCING at the South 1/16 corner on the West line of Section 20, monumented with an Aluminum Cap stamped PLS 9169, from which the Southwest Section corner of said Section 20 bears South 0°35'29" East a distance of 1316.97 feet;**

**Thence North 0°35'29" West, along the West line of said Section 20, a distance of 1099.46 feet, to a 5/8" rebar with Aluminum Cap for the Meander Corner to the Portneuf River, said monument stamped PLS 5074 and being the TRUE POINT OF BEGINNING.**

**Thence North 0°17'44" West, continuing along said West line of Section 20, a distance of 59.77 feet to the center of the channel of the Portneuf River;**

**Thence, leaving said West line of Section 20, and following the center of the channel of the Portneuf River the following courses:**

**South 52°44'39" East, 33.55 feet;  
South 44°32'39" East, 39.17 feet;  
South 56°06'55" East, 39.26 feet;  
South 55°52'18" East, 37.61 feet;  
South 67°08'08" East, 48.99 feet;  
South 72°27'12" East, 73.49 feet;  
South 72°54'27" East, 41.03 feet;  
South 87°26'01" East, 36.44 feet;  
North 58°01'44" East, 11.21 feet, more or less, to the Southwesterly line of Parcel 5, Warranty Deed Instrument No. 20010763.**

**Thence South 46°10'38" East, leaving said center of channel of the Portneuf River, 132.87 feet, along said Southwesterly line of Parcel 5, Warranty Deed Instrument No. 20010763, to a 5/8" rebar with Aluminum Cap stamped PLS 4735;**

**Thence South 27°44'13" West, continuing along said Southwesterly line of Parcel 5, Warranty Deed Instrument No. 20010763, for a distance of 217.42 feet, more or less, to the North side of the Oregon Short Line Railroad Right-of-Way (OSLRR), from which a 5/8" rebar bears South 27°44'33" West, 4.26 feet;**

**Thence along said North side of the Oregon Short line Railroad Right-of-Way, along a curve to the right, concave to the North, through a central angle of 8°10'35", having a radius of 2265.16 feet, for an arc length of 323.24 feet, chord bearing and distance of South**

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**72°23'29" West, 322.97 feet, to the West line of said Section 20, said point monumented with an Aluminum cap Stamped PLS 13259;**

**Thence North 0°35'29" West, along said West line of Section 20, a distance of 462.56 feet, to the TRUE POINT OF BEGINNING.**

**EXCEPTING THEREFROM:**

**Beginning at a point 140 rods North from the Southwest corner of Section 20, Township 9 South of Range 37 East of the Boise Meridian; thence running Northeasterly along the South line of the Oregon Shortline Railroad 5 rods; thence North 33 rods 6-1/2 feet; thence Southwesterly along the South bank of the Portneuf River 5 rods; thence South 32 rods to place of beginning.**

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

2/5/2015

WATER RIGHT NO. 29-63

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|-------------------------|
| Current Owner     | GORDON L AVERY          |
| Current Owner     | JANET M AVERY           |
|                   | 2893 E PRICE EXT RD     |
|                   | MCCAMMON, ID 83250      |
|                   | (208)254-3420           |
| Original Owner    | G H ROMRIELL            |

Priority Date: 05/01/1906

Basis: Decreed

Status: Active

| <u>Source</u>  | <u>Tributary</u> |
|----------------|------------------|
| PORTNEUF RIVER | SNAKE RIVER      |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 4/15        | 9/15      | 0.4 CFS               |               |
| Total Diversion       |             |           | 0.4 CFS               |               |

Location of Point(s) of Diversion:

|                |             |         |              |           |                |
|----------------|-------------|---------|--------------|-----------|----------------|
| PORTNEUF RIVER | SWSWNE Lt 2 | Sec. 19 | Township 09S | Range 37E | BANNOCK County |
| PORTNEUF RIVER | SWSWNE Lt 2 | Sec. 19 | Township 09S | Range 37E | BANNOCK County |

Place(s) of use:

Place of Use Legal Description: IRRIGATION BANNOCK County

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 09S             | 37E          | 19             | 1          | NWNE         | 1.7          | 2          | SWNE         | 19.5         |            |              |              |            |              |              |

Total Acres: 21.2

Conditions of Approval:

|    |     |                                                                                                                                                                                                                                                                                                                 |
|----|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | C18 | 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. |
| 2. | F02 | TWO POINTS OF DIVERSION LOCATED IN T9S, R37E, S19, SWNW (Lot 2).                                                                                                                                                                                                                                                |
| 3. |     | PLACE OF USE AND POINTS OF DIVERSION ARE ON EAST SIDE OF RIVER ONLY. SOME ERROR TO GCDB.                                                                                                                                                                                                                        |
| 4. | S35 | THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED.                                                                                                                                |
| 5. | C05 | THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.                                                          |
| 6. | C03 | RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.                                                                                                                                                                                                                     |
|    |     | RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.                                                                                                                                                                                                               |

## Dates:

Licensed Date:

Decreed Date: 03/22/2004

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

## Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: 29

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False