

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED
AUG 15 2014

Department of Water Resources
Field Report

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?
35-10327 <i>OK</i>	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Clendon Merrill (listed owner)
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Borah Capital, Ltd.
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- | | | | |
|--|---------------|-----------|--------------|
| <u>433 E. Las Colinas Blvd. Ste. #1290</u> | <u>Irving</u> | <u>TX</u> | <u>75039</u> |
| Mailing address | City | State | ZIP |
| <u>(972)556-1190</u> | | | |
| 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: 8/9/2002
6. If the water right described herein has been rented from the Water Supply Bank, rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
- Rental payments will go to the lessor(s) of record at the beginning of the rental season.
 - If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - New lessor(s) of record will receive payment after the following rental season.
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.

8. Signature: *Ben Lee Danner* *Manager* *8.1.14*
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 *JB* Date *8/15/14* Receipt No. *ED40161* Receipt Amt. *25.00*
Approved by *JB* Processed by *JB* Date *9/19/2014*

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

7/31/2014

WATER RIGHT NO. 35-10327

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CLENDON W MERRILL 1127 W HWY 39 BLACKFOOT, ID 83221 (208)684-4662

Priority Date: 05/01/1934

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	1/01	12/31	0.2 CFS	
DOMESTIC	1/01	12/31	0.04 CFS	
Total Diversion			0.2 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NENWNE|Sec. 06|Township 03S|Range 34E|BINGHAM County

Place(s) of use:

Place of Use Legal Description: STOCKWATER BINGHAM 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>
03S	34E	6		NWNE										

Place of Use Legal Description: DOMESTIC BINGHAM 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>
03S	34E	6		NWNE										

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. PARCEL NO. RP0236400 PROPERTY ALSO KNOWN AS 1127 W HWY 39 STOCKWATER, 250 DAIRY CATTLE.

Dates:

Licensed Date:

Decreed Date: 10/31/1997

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

WARRANTY DEED

For Value Received **CLENDON W MERRILL AND ROSEANN S MERRILL, TRUSTEES OF THE CLENDON W MERRILL AND ROSEANN S MERRILL FAMILY TRUST, dated November 29, 2000**

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

BORAH CAPITAL, LTD, a limited partnership

whose address is: **433 East Las Colinas Blvd, Ste 1290, Irving, Texas 75039**

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

TRACT 3:

Township 3 South, Range 34 E.B.M., Bingham County, Idaho
Section 5: S $\frac{1}{2}$ of Lot 4, ALSO: Beginning at a point 1660 feet W. of the SE corner of the S $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 5, and running thence W. 980 feet to the W $\frac{1}{4}$ corner of said Section 5, thence N. 1320 feet to the NW corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 5, thence E. 1320 feet to the NE corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$, thence S. along the E. line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$, 487 feet, thence N. 82°31'30" W. 78 feet to a point that is S. 1426.7 feet and N. 89°41' W. 36.43 feet and S. 0°22'30" W. 469.25 feet and S. 89°29'45" W. 1138.58 feet and N. 0°13'45" W. 86 feet and N. 82°31'30" W. 223.24 feet from the N $\frac{1}{4}$ corner of said Section 5, thence S. 0°41'15" E. 266.56 feet, thence W. 285 feet, thence S. 575 feet to the point of beginning, EXCEPTING THEREFROM any portion thereof lying within the following described land: Beginning at a point S. 36.43 feet from the NE corner of said NW $\frac{1}{4}$, thence S. 0°22'30" W. 469.25 feet, thence N. 89°29'45" W. 1138.58 feet, thence N. 0°13'45" W. 86 feet, thence N. 82°31'30" W. 181.42 feet, thence N. 487.36 feet, thence E. 833.43 feet, thence S. 110 feet, thence E. 486.57 feet to the point of beginning.

TRACT 4:

Township 3 South, Range 34 E.B.M., Bingham County, Idaho
Section 6: All that portion of Lot 1 lying E. of the Peoples Canal, EXCEPT that portion conveyed to the State of Idaho for Highway purposes.

TRACT 5:

A portion of the NE $\frac{1}{4}$ of Section 6, Township 3 South, Range 34 E.B.M., Bingham County, Idaho, described as: Beginning at the point of intersection of the W. line of said NE $\frac{1}{4}$ with the S. line of State Highway 39, according to the plat of the Roosevelt S-1721 (2) Highway Survey on file in the Idaho Department of Highways; thence S. along said W. line to the SW corner of said NE $\frac{1}{4}$, thence E. along the S. line of said NE $\frac{1}{4}$, 1100 feet to the irrigation ditch, thence Northeasterly along said irrigation ditch to its intersection with the W. line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$, being a point approximately 750 feet N. of the SW corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$, thence N. along said W. line to a point 390 feet S. of the SE corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, thence E. 500 feet to the W. right-of-way line of the Main Canal of the Peoples Canal & Irrigation Co., thence Northeasterly along said W. line to the S. line of the right-of-way of said State Highway 39, thence W. along said right-of-way line to the point of beginning.

TRACT 6:

A portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, Township 3 South, Range 34 E.B.M., Bingham County, Idaho, described as: Commencing at a point 1100 feet E. of the center of said Section 6, thence E. 220 feet, more or less, to the SE corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 6, thence N. 750 feet, more or less, to a point, thence in a Southwesterly direction following an irrigation ditch as the same now exists to the point of beginning.

ALSO: That portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 6, lying westerly of the Peoples Canal, EXCEPTING THEREFROM: Commencing at the SE corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 6, thence E. 558 feet to the right-of-way line of the main canal of the Peoples Canal & Irrigation Company, thence Southerly along the Westerly boundary of said right-of-way line 395 feet, thence W. 500 feet to the E. line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 6, thence N. 390 feet to the point of beginning.

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: August 9, 2002

Clendon W Merrill and Roseann S Merrill, trustee of the Clendon W Merrill and Roseann S Merrill Family Trust

Clendon W Merrill
Clendon W Merrill, Trustee

Roseann S Merrill
Roseann S Merrill, Trustee

STATE OF New Mexico

COUNTY OF Rio Arriba)ss.

On this 12 of August, 2002, before me the undersigned, personally appeared Clendon W Merrill and Roseann S Merrill, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument as trustees and acknowledged to me that they executed the same as such trustees.

Charles G. Gray
Notary Public of New Mexico
Residing at: Albuquerque NM
Commission Expires: October 12, 2005

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