

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 01 2012

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?
73-86C	Yes ☐	73-86D	Yes ☐	73-87	Yes ☐
73-96A	Yes ☐	73-96B	Yes ☐	73-97A	Yes ☐
73-10058	Yes ☐	73-4007-B	Yes ☐	73-12111	Yes ☐
73-12112	Yes ☐	73-12113	Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Scythe & Spade of Idaho, LLC, as receiver for Jim Dowton Ranch, LLC and Jimmie Dowton Custom Farming, LLC
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Bank of Idaho, Attn: Cam J. Payne, SVP - Chief Credit Officer
Name of each new owner as listed on the conveyance document

New owner continued Name connector ☐ and ☐ or ☐ and/or

151 North Ridge, Suite 240

Mailing address

Idaho Falls

ID

83402

City

State

ZIP

(208) 528-3003

c.payne@bankofidaho.net

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: September 20, 2012

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 #

73-86C

7. Signature: Bank of Idaho By SVP Oct 29, 2012
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 HP Date 11-1-12 Receipt No. C096174 Receipt Amt. 275.00

Approved by _____ Processed by _____ Date _____

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT

BANK OF IDAHO, an Idaho banking
corporation,

Plaintiff,

vs.

JIM DOWTON RANCH, LLC, an Idaho
limited liability company; JIMMIE DOWTON
CUSTOM FARMING, LLC, an Idaho limited
liability company; JIMMIE D. DOWTON and
DENISE R. DOWTON, husband and wife; and
JIMMIE L. DOWTON and MARIA E.
DOWTON, husband and wife, CAPITOL
LAW GROUP, PLLC, an Idaho professional
limited liability company,

Defendants.

Case No: CV-2011-584

(Formerly Custer County Case No.
CV-2010-111)

SHERIFF'S CERTIFICATE ON SALE OF
REAL ESTATE UNDER EXECUTION

246289
Custer County Req. of
Gregory L. Crockett
Time 11:22 A M Date 9-20 2012
Barbara C. Tierney, Clerk
Donna Crisp \$19.00
Deputy

STATE OF IDAHO)
)
County of Custer)

Stuart Lumpkin, Sheriff of Custer County, Idaho, do hereby certify:

1. That by virtue of an execution in the above-entitled action, issued the
3rd day of August, 2012, to me directed, setting forth a judgment in the amount of
\$2,005,143.17, lawful money of the United States, with interest thereon from August 3,
2012 through September 10, 2012 at the rate of \$271.98 per day, costs of record and costs
of sale, to be satisfied out of the real property described herein and belonging to the said
Defendant, JIM DOWTON RANCH, LLC, on the day said execution was levied herein,

246289

according to said writ and the statutes provided in such cases, I have levied on and this day sold at public auction the following described real property to _____

Bank of Idaho,

who was the highest bidder, for the sum of \$ 8019309.41, lawful

money of the United States, which was the whole price paid by credit bid

for the right, claim and interest of the within named Defendant, as aforesaid, in and to the real estate particularly described as follows, to wit:

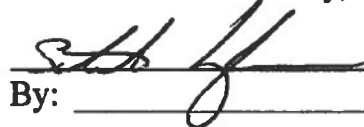
See attached "Exhibit A"

2. That the real estate is subject to redemption within one (1) year after the sale on this date and pursuant to the provisions of Idaho Code §11-401 et.seq.

Given under my hand this 20th day of September, 2012.

STUART LUMPKIN

Sheriff of Custer County, State of Idaho

By: , Deputy

246289

STATE OF IDAHO

)
SS.

COUNTY OF CUSTER

)

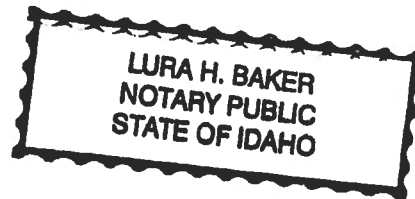
On this 20th day of September, 2012,
before me, a notary public in and for the said State, personally
appeared Stuart Lumpkin
known or identified to me to be the person whose name
subscribed to the within instrument, and acknowledged to me that
he she they executed the same.

Lura H. Baker

Notary Public

Residing in Clayton, ID

My Commission Exp. 12-12-2015



246289

EXHIBIT "A"

The land referred to in this commitment is situated in the State of Idaho, County of Custer and is described as follows:

Township 15 North, Range 21 East, Boise Meridian, Custer County, Idaho

Section 16: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Lying South and West of the Pahsimeroi River
Section 17: E $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{4}$ SE $\frac{1}{4}$, and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Lying South and West of the Pahsimeroi River
Section 20: N $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$

EXCEPTING THEREFROM:

A parcel of land located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, Township 15 North, Range 21 East, Boise Meridian, Custer County, Idaho, more particularly described as follows:

Commencing at the E $\frac{1}{4}$ Corner of said Section 20 from which the SE Corner of Section 20 bears South 00°13'00" East, 2638.72 feet, the Basis of Bearing of this description, run thence South 89°43'38" West along the center of said Section 20, a distance of 1717.05 feet to a point on the westerly right-of-way of an existing county road, said point being the POINT OF BEGINNING; Continue thence South 89°43'38" West along said center of Section 20, a distance of 938.29 feet to the C $\frac{1}{4}$ Corner of said Section 20; thence North 00°22'18" West along the westerly boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 1107.35 feet to a point on said westerly right-of-way; thence along said westerly right-of-way the following courses: South 48°08'16" East, 360.77 feet; 492.27 feet along a curve to the right having a radius of 2188.40 feet, a central angle of 12°53'18" and a chord bearing South 41°41'37" East for 491.23 feet; South 35°14'58" East, 606.50 feet to the POINT OF BEGINNING, as shown by the record of Survey filed September 13, 2004, as instrument No. 229911, records of Custer County, Idaho.

ALSO INCLUDING:

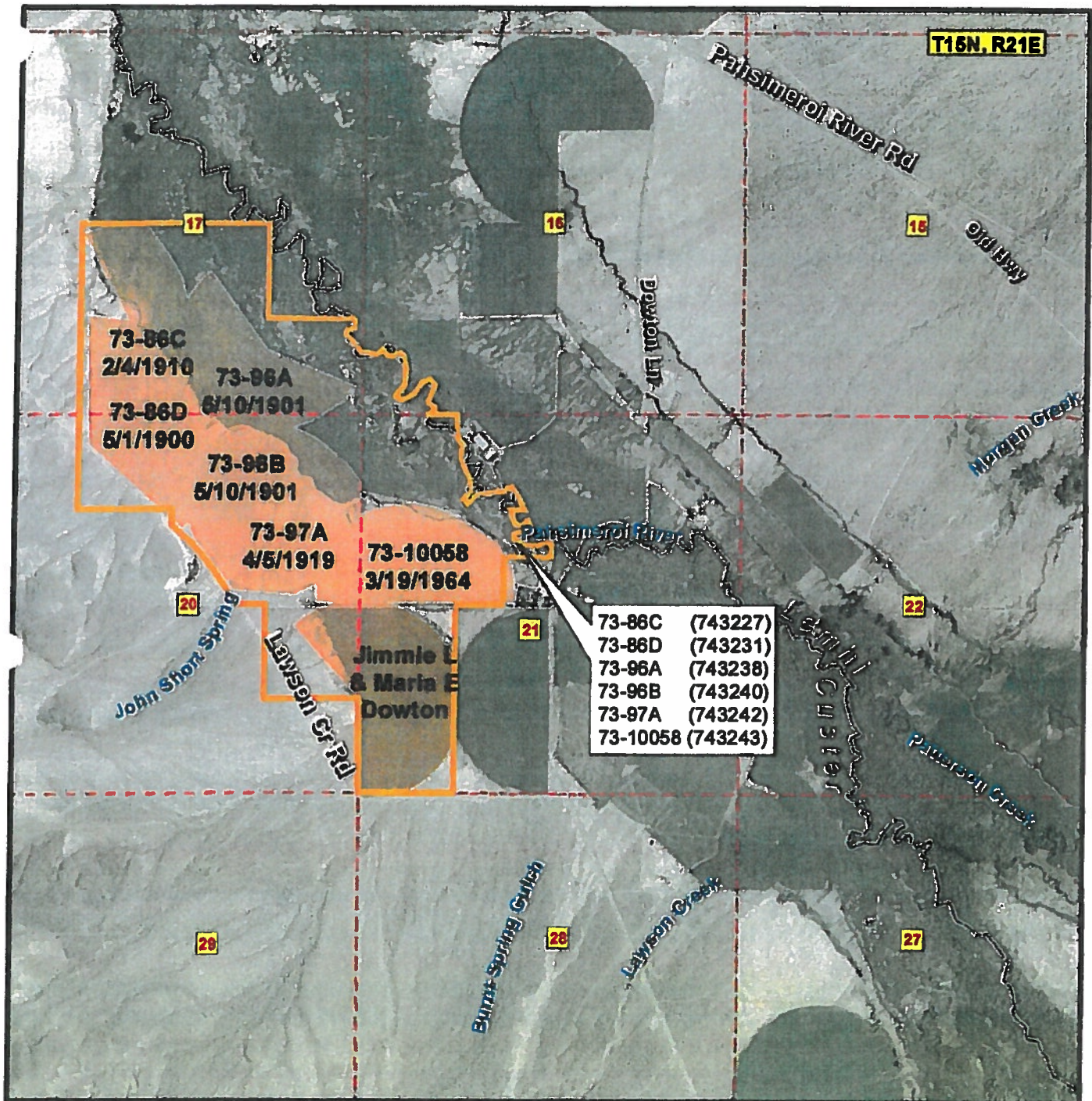
Section 21: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, Lying South and West of the Pahsimeroi River, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, that portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ described as follows:

Beginning at the Southwest corner of the said NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, run thence North 0°03' West, 1005.0 feet to a point in the center of the Pahsimeroi River; thence meandering the center of the Pahsimeroi River in the Southerly direction as follows; South 37°00' East, 128.0 feet; South 3°38' West, 209.0 feet; South 23°47' East 292.0 feet; South 1°26' East, 172.0 feet; South 36°07' West, 146.0 feet; South 39°28' East, 89.0 feet; North 42°21' East, 209.0 feet; North 86°02' East, 330.0 feet; thence North 20°13' West, 20.0 feet to a point on the Northeasterly bank of the Pahsimeroi River; thence North 71°15' East, 166.6 feet; thence South 29°14' East, 362.6 feet to a point on the South boundary of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21; thence South 89°53' West along South boundary 953.4 feet to the POINT OF BEGINNING.

TOGETHER WITH, all and singular the tenements, hereditaments, appurtenances, including water and water rights, thereunto belonging or in anywise appertaining; including existing pivot irrigation systems and buried main lines.

IDWR Water Rights Downton Ranch

2



County

Township/Range

Section

Farm Boundary

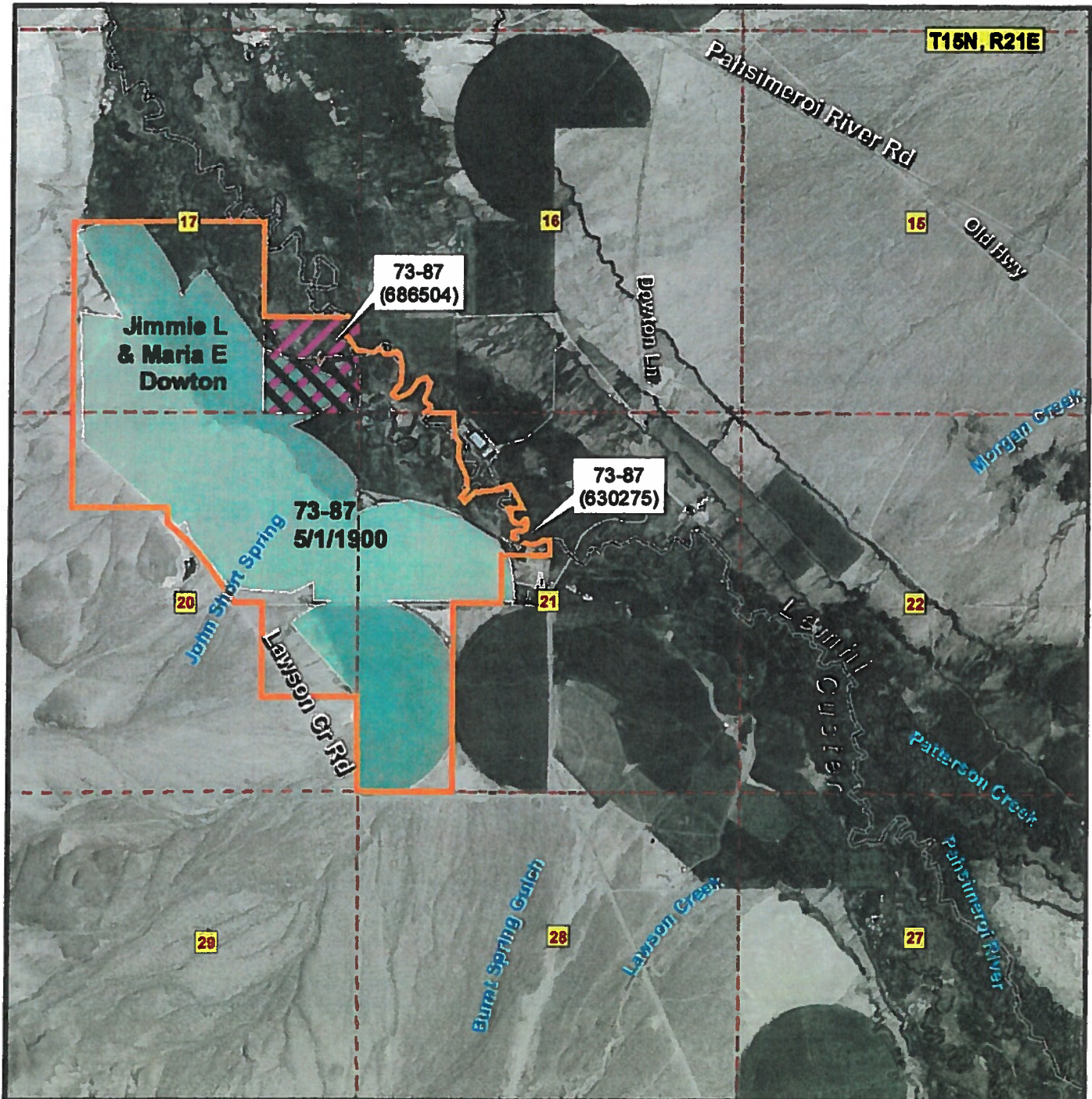
Point of Diversion

Place of Use

SCYTHE & SPADE COMPANY
Simplifying Complex Agribusiness Issues

IDWR Water Rights Dowton Ranch

1

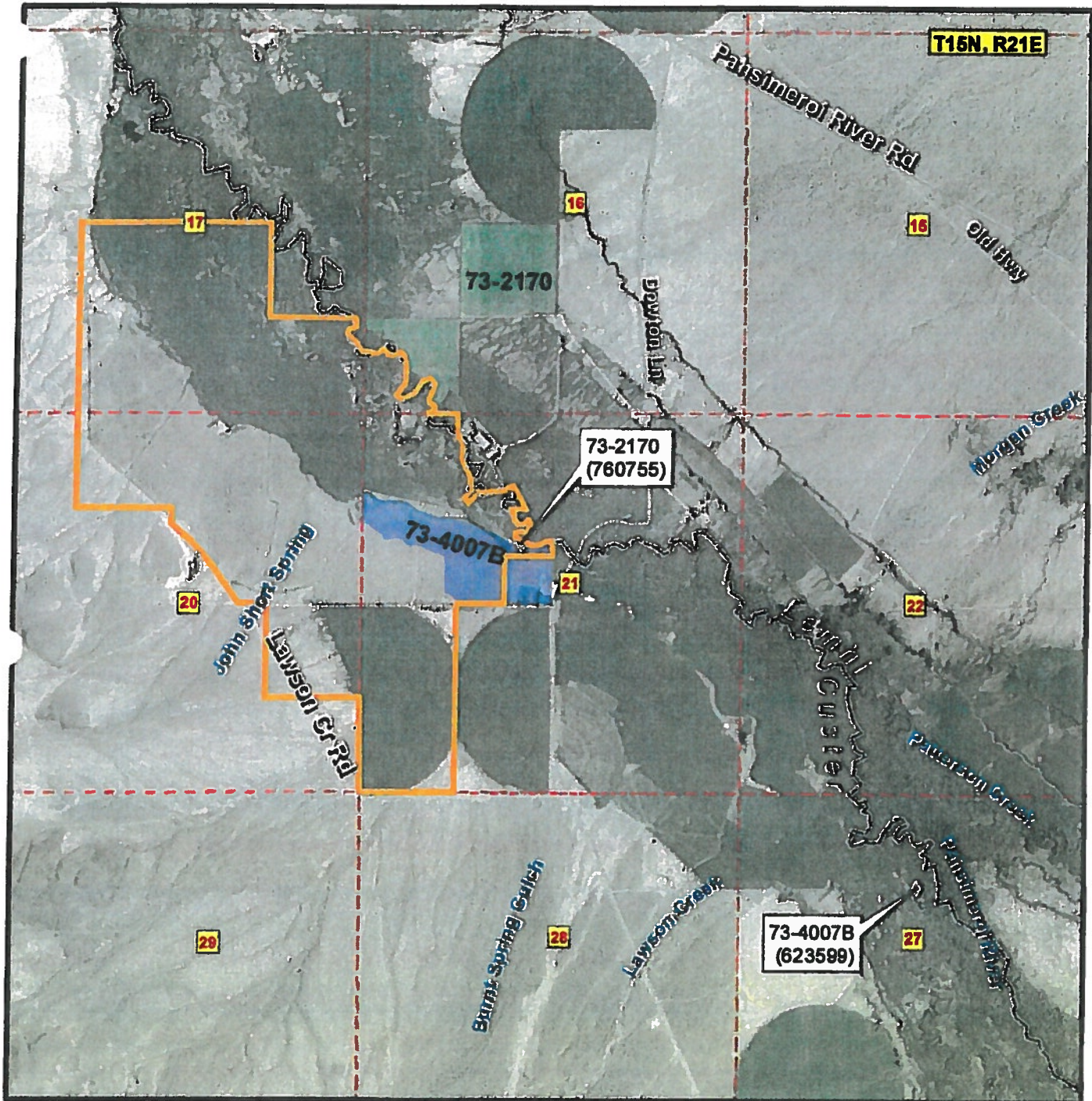


- | | |
|--------------------|-----------------------------|
| County | Place of Use (73-87) |
| Township/Range | Water Use |
| Section | AESTHETIC STORAGE |
| Farm Boundary | IRRIGATION |
| Point of Diversion | WILDLIFE STORAGE |



IDWR Water Rights Dowton Ranch

4



- County
- Township/Range
- Section
- Farm Boundary
- ♦ Point of Diversion

Place of Use

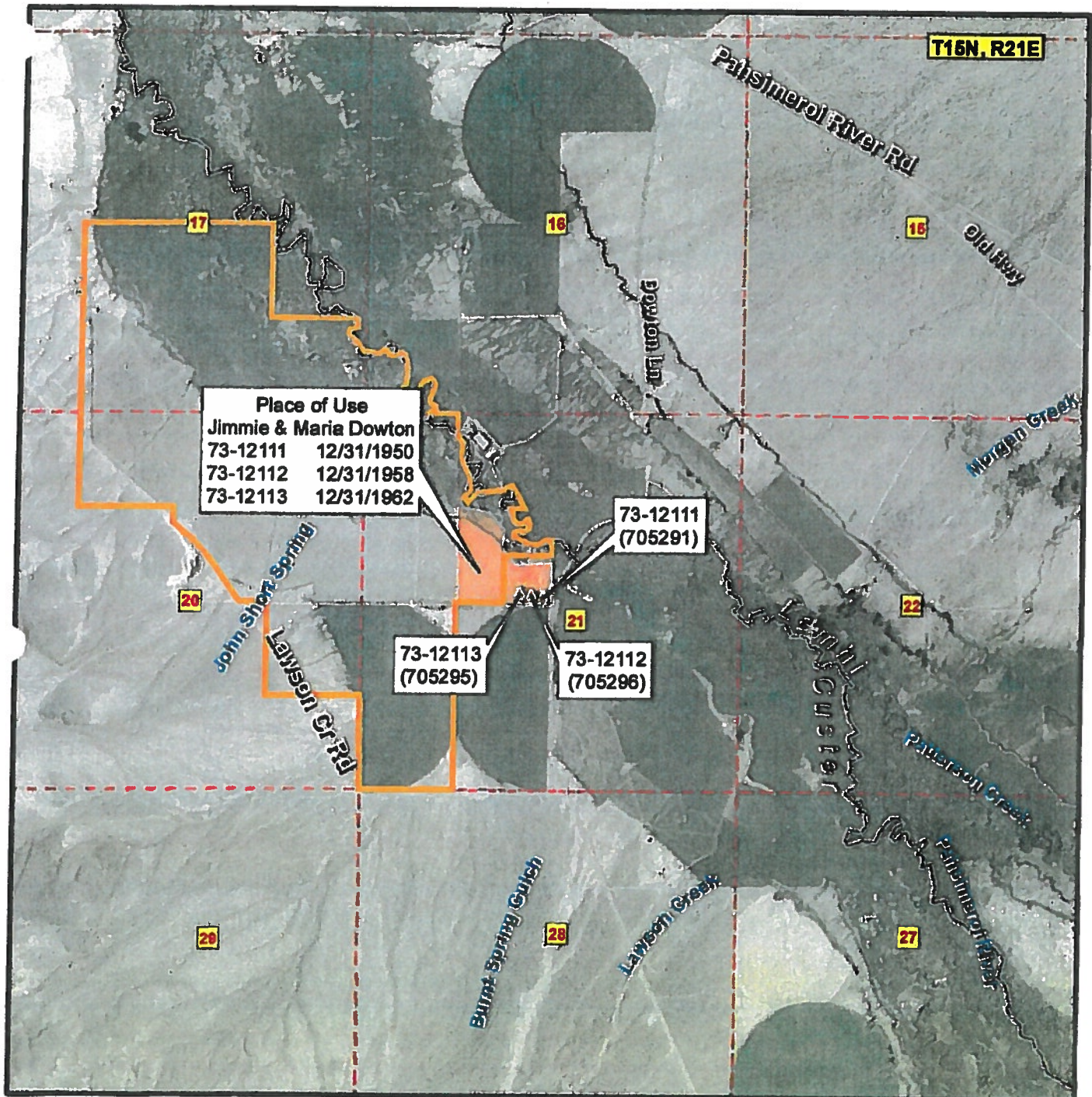
RIGHT_ID, Priority Date, Owner

- 73-2170, 2/10/1961, Jimmie & Elena Dowton
- 73-4007B, 2/18/1926, Jimmie & Elena Dowton



IDWR Water Rights Dowton Ranch

3



- County
- Township/Range
- Section
- Farm Boundary
- Point of Diversion
- Place of Use

