

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Received
6/15/2012

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?
1-10023 OK	Yes ☐		Yes ☐		Yes ☐
35-10112 OK	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Kingston Properties L.P. + David O Kingston
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Johnny D Burn
Name of each new owner as listed on the conveyance document

Jolynne B Burn
New owner continued ☐ Name connector ☐ and ☐ or ☒ and/or

3916 East June Street
Mailing address

Mesa AZ 85205
City State ZIP

602 694 2147 JohnDb1943@aol.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: yes

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.

7. Signature: [Signature] Title, if applicable: _____ Date: 6-4-2012
Signature of new owner/claimant

Signature: Jolynne B. Burn Title, if applicable: _____ Date: 6-4-2012
Signature of new owner/claimant

For IDWR Office Use Only:

Received by: [Signature] Date: 6-15-2012 Receipt No. E037718 Receipt Amt. \$50.00
Approved by: [Signature] Processed by: [Signature] Date: 6/25/2012

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
110 N. Clark Street/PO Box 405
Rigby, ID 83442

Instrument # 398099
RIGBY, JEFFERSON, IDAHO
05-31-2012 04:34:31 PM No. of Pages: 4
Recorded for: FIRST AMERICAN TITLE - RIGBY
CHRISTINE BOULTER Fee: \$19.00
Ex-Officio Recorder Deputy: LK
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **412563-RI (ss)**

Date: **May 17, 2012**

For Value Received, **Kingston Properties, LP**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **John Burr, a married man**, hereinafter called the Grantee, whose current address is **3916 East June Street, Mesa, AZ 85205**, the following described premises, situated in **Jefferson County, Idaho**, to-wit:

PARCEL 1:

TOWNSHIP 4 NORTH, RANGE 37 EAST OF THE BOISE MERIDIAN, JEFFERSON COUNTY, IDAHO.

SECTION 26: SW1/4; SW1/4SE1/4; LOT 4, THE AREA WEST OF THE RIGHT BANK OF THE SNAKE RIVER BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 26, TOWNSHIP 4 NORTH, RANGE 37 EAST OF THE BOISE MERIDIAN, JEFFERSON COUNTY, IDAHO;

RUNNING THENCE N. 88°52'04" E. ALONG THE SECTION LINE 580.74 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF A RAILROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING;

RUNNING THENCE N. 23°15'38" W. ALONG SAID RAILROAD RIGHT-OF-WAY LINE 1470.33 FEET TO THE WEST LINE OF SAID SECTION 26;

THENCE N. 00°00'09" E. 1283.81 FEET TO THE WEST ¼ CORNER OF SAID SECTION 26;

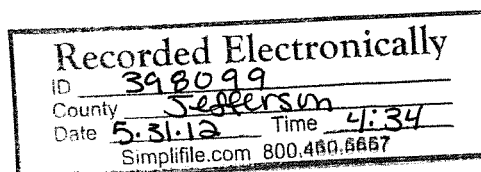
THENCE N. 88°57'46" E. 1191.02 FEET TO THE RIGHT BANK OF THE SNAKE RIVER;

THENCE ALONG SAID RIGHT BANK THE FOLLOWING 18 COURSES:

- (1) S. 12°56'44" E. 58.35 FEET;
- (2) S. 22°38'31" E. 52.40 FEET;
- (3) S. 31°46'25" E. 70.04 FEET;
- (4) S. 40°25'51" E. 104.30 FEET;
- (5) S. 46°41'27" E. 114.34 FEET;
- (6) S. 49°38'20" E. 92.14 FEET;
- (7) S. 47°45'09" E. 91.35 FEET;
- (8) S. 63°10'14" E. 75.70 FEET;
- (9) S. 62°03'42" E. 72.71 FEET;
- (10) S. 50°05'59" E. 93.12 FEET;
- (11) S. 55°42'08" E. 104.15 FEET;
- (12) S. 55°54'15" E. 62.74 FEET;
- (13) S. 56°47'27" E. 90.17 FEET;
- (14) S. 54°37'14" E. 55.26 FEET;
- (15) S. 54°35'46" E. 73.76 FEET;
- (16) S. 62°19'30" E. 464.63 FEET;
- (17) S. 65°02'24" E. 130.58 FEET;
- (18) S. 53°53'35" E. 84.51 FEET MORE OR LESS TO THE NORTH-SOUTH CENTER SECTION LINE OF SAID SECTION 26;

RECORDING REQUESTED BY

First American Title Company

AND WHEN RECORDED MAIL TO:First American Title Company
110 N. Clark Street/PO Box 405
Rigby, ID 83442

Space Above This Line for Recorder's Use Only

WARRANTY DEEDFile No.: **412563-RI (ss)**Date: **May 17, 2012**

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RUNNING THENCE N. 88°52'04" E. ALONG THE SECTION LINE 580.74 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF A RAILROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING;

RUNNING THENCE N. 23°15'38" W. ALONG SAID RAILROAD RIGHT-OF-WAY LINE 1470.33 FEET TO THE WEST LINE OF SAID SECTION 26;

THENCE N. 00°00'09" E. 1283.81 FEET TO THE WEST ¼ CORNER OF SAID SECTION 26;

THENCE N. 88°57'46" E. 1191.02 FEET TO THE RIGHT BANK OF THE SNAKE RIVER;

THENCE ALONG SAID RIGHT BANK THE FOLLOWING 18 COURSES:

- (1) S. 12°56'44" E. 58.35 FEET;**
- (2) S. 22°38'31" E. 52.40 FEET;**
- (3) S. 31°46'25" E. 70.04 FEET;**
- (4) S. 40°25'51" E. 104.30 FEET;**
- (5) S. 46°41'27" E. 114.34 FEET;**
- (6) S. 49°38'20" E. 92.14 FEET;**
- (7) S. 47°45'09" E. 91.35 FEET;**
- (8) S. 63°10'14" E. 75.70 FEET;**
- (9) S. 62°03'42" E. 72.71 FEET;**
- (10) S. 50°05'59" E. 93.12 FEET;**
- (11) S. 55°42'08" E. 104.15 FEET;**
- (12) S. 55°54'15" E. 62.74 FEET;**
- (13) S. 56°47'27" E. 90.17 FEET;**
- (14) S. 54°37'14" E. 55.26 FEET;**
- (15) S. 54°35'46" E. 73.76 FEET;**
- (16) S. 62°19'30" E. 464.63 FEET;**
- (17) S. 65°02'24" E. 130.58 FEET;**
- (18) S. 53°53'35" E. 84.51 FEET MORE OR LESS TO THE NORTH-SOUTH CENTER SECTION LINE OF SAID SECTION 26;**

THENCE LEAVING SAID RIGHT BANK S. 00°20'24" W. ALONG SAID NORTH-SOUTH CENTER SECTION LINE 183.77 FEET MORE OR LESS TO THE NORTHWEST CORNER OF THE SW¹/₄SE¹/₄ OF SAID SECTION 26;

THENCE N. 88°54'55" E. 215.59 FEET ALONG THE NORTH LINE OF SAID SW¹/₄SE¹/₄ TO THE RIGHT BANK OF THE SNAKE RIVER;

THENCE ALONG SAID RIGHT BANK THE FOLLOWING 20 COURSES:

- (1) S. 47°45'04" E. 127.46 FEET;
 - (2) S. 49°27'12" E. 121.24 FEET;
 - (3) S. 53°34'08" E. 154.81 FEET;
 - (4) S. 54°18'42" E. 150.91 FEET;
 - (5) S. 50°57'35" E. 168.93 FEET;
 - (6) S. 49°20'30" E. 142.65 FEET;
 - (7) S. 51°59'12" E. 162.56 FEET;
 - (8) S. 52°06'35" E. 144.30 FEET;
 - (9) S. 55°29'06" E. 156.39 FEET;
 - (10) S. 59°16'51" E. 126.67 FEET;
 - (11) S. 57°41'18" E. 89.33 FEET;
 - (12) S. 53°30'52" E. 70.79 FEET;
 - (13) S. 64°56'21" E. 68.98 FEET;
 - (14) S. 76°55'11" E. 132.56 FEET;
 - (15) S. 76°25'11" E. 46.90 FEET;
 - (16) S. 71°17'55" E. 78.27 FEET;
 - (17) S. 64°50'45" E. 70.56 FEET;
 - (18) S. 52°56'51" E. 96.26 FEET;
 - (19) S. 52°57'45" E. 108.76 FEET;
 - (20) S. 48°27'41" E. 88.58 FEET MORE OR LESS TO THE SOUTH LINE OF SAID SECTION 26;
- THENCE LEAVING SAID RIGHT BANK S. 88°52'04" W. ALONG THE SECTION LINE 4194.58 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2:

SECTION 35, TOWNSHIP 4 NORTH, RANGE 37 EAST OF THE BOISE MERIDIAN, JEFFERSON COUNTY, IDAHO

COMMENCING AT THE NORTHWEST CORNER OF SECTION 35, TOWNSHIP 4 NORTH, RANGE 37

EAST OF THE BOISE MERIDIAN, JEFFERSON COUNTY, IDAHO; RUNNING THENCE N. 88°52'04" E. ALONG THE SECTION LINE 624.11 FEET TO THE TRUE POINT OF BEGINNING; RUNNING THENCE S. 23°14'50" E. 1355.50 FEET;

THENCE S. 65°41'50" E. 342.06 FEET;
THENCE N. 85°46'30" E. 529.44 FEET;
THENCE S. 56°10'40" E. 601.85 FEET;
THENCE S. 19°55'00" E. 549.10 FEET;
THENCE S. 66°22'10" E. 563.17 FEET;
THENCE S. 03°04'40" E. 595.86 FEET;
THENCE S. 21°05'20" W. 163.98 FEET;
THENCE S. 11°17'20" W. 194.67 FEET;

THENCE N. 54°07'40" E. 278.97 FEET;
THENCE N. 34°50'50" E. 594.10 FEET;
THENCE N. 15°02'20" E. 649.37 FEET;
THENCE N. 01°44'00" E. 432.92 FEET;
THENCE N. 31°55'20" E. 359.34 FEET;
THENCE N. 71°25'40" E. 202.80 FEET;
THENCE N. 86°14'10" E. 306.74 FEET;
THENCE N. 26°47'05" E. 795.61 FEET;
THENCE N. 29°56'55" E. 289.57 FEET;
THENCE S. 81°04'35" W. 134.45 FEET;
THENCE N. 31°21'45" W. 362.93 FEET;
THENCE N. 12°30'49" E. 96.63 FEET TO THE NORTH LINE OF SAID SECTION 35;
THENCE S. 88°52'04" W. ALONG SAID NORTH LINE 4151.21 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 4:

SECTION 35, TOWNSHIP 4 NORTH, RANGE 37 EAST OF THE BOISE MERIDIAN, JEFFERSON COUNTY, IDAHO

**COMMENCING AT THE NORTHWEST CORNER OF SECTION 35, TOWNSHIP 4 NORTH, RANGE 37 EAST OF THE BOISE MERIDIAN, JEFFERSON COUNTY, IDAHO;
RUNNING THENCE N. 88°52'04" E. ALONG THE SECTION LINE 624.11 FEET;
THENCE S. 23°14'50" E. 1355.50 FEET;
THENCE S. 65°41'50" E. 342.06 FEET;
THENCE N. 85°46'30" E. 290.65 FEET TO THE TRUE POINT OF BEGINNING;
RUNNING THENCE S. 37°09'40" E. 588.10 FEET;
THENCE S. 13°49'33" E. 564.78 FEET;
THENCE N. 73°16'17" E. 528.76 FEET;
THENCE N. 66°22'10" W. 77.93 FEET;
THENCE N. 19°55'00" W. 549.10 FEET;
THENCE N. 56°10'40" W. 601.85 FEET;
THENCE S. 85°46'30" W. 238.79 FEET TO THE TRUE 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 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: 05/17/2012

Warranty Deed
- continued

File No.: 412563-RI (ss)

Kingston Properties, LP

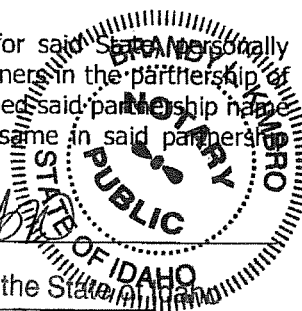
David O. Kingston

By: DK Enterprises, Inc., its Gen.
Partner, David O. Kingston,
President

STATE OF Idaho)
COUNTY OF Bonneville) ss.
~~Jefferson~~)

On this 24th day of May, 2012, before me, a Notary Public in and for said State, personally appeared **David O. Kingston**, known or identified to me to be one of the partners in the partnership of **Kingston Properties, LP**, 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.

Brandi Mumbach
Notary Public of Idaho
Residing at: Notary Public for the State of Idaho
Residing in Idaho Falls
Commission Expires: 04-12-2013



BILL OF SALE

I. DATE, NAMES AND ADDRESSES OF PARTIES

- A. **Date.** This bill of sale is executed and delivered on this 24th day of May, 2012.
- B. **Name and Address of Seller.** **KINGSTON PROPERTIES, LP**, ("KPROP") whose mailing address is 477 Shoup, Suite 207, Idaho Falls, ID 83402, as to the property listed on Exhibit "A" attached hereto, and KPROP and **DAVID O. KINGSTON**, individually, whose address is 9103 Alta Dr. #403, Las Vegas, Nevada, as to the property listed on Exhibit "B" are collectively referred to as the "Sellers."
- C. **Names and Address of Buyer.** **JOHN BURR**, whose mailing address is 3916 East June Street, Mesa, AZ 85205, is the "Buyer."

II. CONVEYANCE

- A. **Grant.** For good and valuable consideration delivered by Buyer to Sellers, the receipt and sufficiency of which is hereby acknowledged, Sellers grant, bargain, sell and convey to Buyer all of their right, title and interest in and to the equipment and inventory described on the attached Exhibits A and B.
- B. **Covenants.** Buyer, their successors and assigns, shall have and hold the personal property and water rights as described on the attached Exhibits A and B. Sellers hereby warrant that they are the legal owners of such property as reflected in Exhibits A and B of the property, that it is free from all liens and encumbrances, that they have the right to sell the same, and that they will warrant and defend the title thereof against the claims and demands of all persons.
- C. **Inspection.** Seller does not make any warranties or guarantees regarding the condition of the personal property or water rights, nor does Seller make any warranties or guarantees regarding any specific portion of the personal property or water rights fitness for a particular purpose. Buyer acknowledges that he has inspected said personal property and water rights, or has waived his right to inspect the same and takes all the personal property and water rights in an "as is" condition unless otherwise stated in written herein.

EXHIBIT "A"

PERSONAL PROPERTY DESCRIPTION

(OWNED BY KINGSTON PROPERTIES)

1. 1975 Sequoia 14 x 66 Trailer, Vin # UNKNOWN
2. 3 Irrigation Pivots:
 - South Pivot model 8000 – serial # 77661
 - Middle Pivot model 8000 – order number 10602520
 - North Pivot model 8000 – order number 2126999
3. 2 Irrigation Pumps:
 - 100 HP, Serial #: 9983a/y11y264r2804-6
 - 60 HP Serial # R6233-04-016 r322 1942r26
4. 1 Cattle Loading Chute
5. 480 pieces of 4" hook and latch hand line
6. Small Fuel Tank – 500 gallon – above ground
7. 4 Grain Bins

EXHIBIT "B"

WATER RIGHTS

1. Surface Water Right – Snake River Basin. – Water Right number 1-10023
(OWNED BY KINGSTON PROPERTIES AND DAVID O. KINGSTON)
2. 370 Shares of Stock in Palisades Water Users Incorporated, Stock Certificate
number 826. (OWNED BY KINGSTON PROPERTIES AND DAVID O.
KINGSTON)
3. Stock Water Right number 35-10112. (OWNED BY KINGSTON PROPERTIES)

SELLER: KINGSTON PROPERTIES, LP

By: DK Enterprises, Inc., its General Partner

By: David O. Kingston
Name: David O. Kingston
Title: President

DAVID O. KINGSTON, Individually

David O. Kingston

BUYER: JOHN BURR, Individually

[Signature]