

RECEIVED

APR 23 2012

Department of Water Resources  
Eastern RegionSTATE OF IDAHO  
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?                       |
|-------------------------|------------------------------|-----------------------|------------------------------|-----------------------|------------------------------|
| 34-2144 OK <sub>4</sub> | 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: James E and Rita M Lundy  
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): James E and Rita M Lundy Family Trust  
Name of each new owner as listed on the conveyance document  
Gordon J Lundy, Trustee / Brian T Lundy, Trustee  
New owner continued Name connector ☐ and ☐ or ☒ and/or  
591 Pinedale Drive  
Mailing address  
Annapolis MD 21401  
City State ZIP  
(410) 991-2632 GJLundy@verizon.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: 11/27/11 (Date J E Lundy Died)
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] Trustee April 16, 2012  
Signature of new owner/claimant Title, if applicable Date
- Signature: [Signature] Trustee April 14, 2012  
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by [Signature] Date 4/23/2012 Receipt No. E037511 Receipt Amt. \$25.

Approved by [Signature] Processed by [Signature] Date 4/30/2012

240282

SPECIAL WARRANTY DEED

THIS INDENTURE, made this 14 day of January, 2009, between JAMES E. LUNDY and RITA M. LUNDY, husband and wife, the Grantors, and THE JAMES E. LUNDY AND RITA M. LUNDY FAMILY TRUST, under the Trust Agreement, dated the 14<sup>th</sup> day of January, 2009, c/o James E. Lundy and Rita M. Lundy, Trustees, P.O. Box 179, Mackay, Idaho 83251, the Grantee,

WITNESSETH:

That the Grantors, for and in consideration of the mutual terms, covenants, and conditions of that certain Trust Agreement of THE JAMES E. LUNDY AND RITA M. LUNDY FAMILY TRUST dated the 14<sup>th</sup> day of January, 2009, hereby grant, convey, and assign unto the Grantee, in trust, in accordance with the terms of the above-described Trust Agreement, all of the following described real estate situated in the County of Custer, State of Idaho, to-wit:

Township 8 North, Range 23 East, Boise Meridian  
Section 8: SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  and SE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
Section 17: NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  and NE  $\frac{1}{4}$  NW  $\frac{1}{4}$   
~~And the exclusive water right on the Lone Cedar Creek.~~

SUBJECT TO: All existing liens, encumbrances, covenants, restrictions, and reservations of record; all existing easements, claims of easement, and rights-of-way; all applicable building and zoning ordinances, use regulations and restrictions; all encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey, inspection of the premises or environmental assessment; and all accruing taxes and assessments.

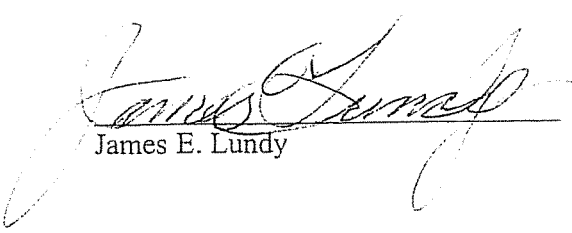
TO HAVE AND TO HOLD, all and singular the said premises, together with their appurtenances, unto the said Grantee and to the Grantee's successors and assigns forever.

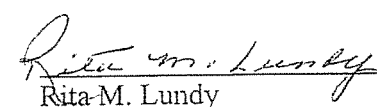
In construing this deed and where the context so requires, the singular includes the plural.

240282  
HOPKINS ROSENCRUICK  
HANSEN & HOOPER, PLLC  
11:50 AM JAN 20 2009  
*[Signature]* 16.00

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IN WITNESS WHEREOF, the said Grantors have hereunto set their hands the  
day and year first above written.

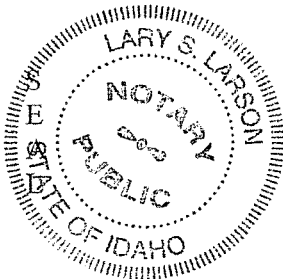
  
James E. Lundy

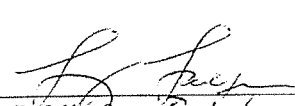
  
Rita-M. Lundy

STATE OF IDAHO )  
 ) ss.  
County of Bonneville )

ON THIS 14 day of January, 2009, before me,  
Lary S. Larson, a Notary Public in and for said State, personally appeared JAMES  
E. LUNDY and RITA M. LUNDY, known or identified to me to be the persons whose names are  
subscribed to the within 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.



  
Notary Public for: Idaho  
Residing at: Idaho Falls  
My Commission Expires: 9-26-09

# CERTIFICATE OF TRUST

## THE JAMES E. LUNDY AND RITA M. LUNDY FAMILY TRUST

STATE OF IDAHO            )  
                                          ) ss.  
County of Bonneville        )

JAMES E. LUNDY and RITA M. LUNDY, being first duly sworn, on her oath states as follows:

1. That on the 14<sup>TH</sup> day of January, 2009, they executed a Trust Agreement of THE JAMES E. LUNDY AND RITA M. LUNDY FAMILY TRUST, consisting of 17 pages, duplicate originals of which are in the possession of their possession and possession of Hopkins, Roden, Crockett, Hansen & Hoopes, Idaho Falls, Idaho.

2. That the legal name of the trust, as set forth in said Trust Agreement, is "THE JAMES E. LUNDY AND RITA M. LUNDY FAMILY TRUST", and the record title of all trust assets are to show the trust relationship by being titled either in the name of the Trustees, as Trustees, or in said legal name of the trust. Any instrument executed by any Co-Trustee shall be regarded as binding for all purposes, and no person dealing with them or any of them need inquire into their authority or the provisions of the Trust Agreement.

3. That the Grantors of the trust are JAMES E. LUNDY AND RITA M. LUNDY of Mackay, Idaho.

4. That the initial Trustees of the trust are JAMES E. LUNDY and RITA M. LUNDY of Mackay, Idaho. Upon the death, incapacity or resignation of either of them as a Trustee, then the other will continue to serve as the sole Trustee. Upon the death, incapacity, or resignation of both of the initial Trustees, then GORDON J. LUNDY of Annapolis, Maryland and BRIAN T. LUNDY of Sandy, Utah are hereby designated as successor co-Trustees of the Trust. Upon the death, incapacity or resignation of either of them as a Trustee, then the other will continue to serve as the sole Trustee. Upon the death, incapacity, or resignation of both of the initial Trustees, then ADAM SERR OF Idaho Falls, Idaho, presently an employee of East Idaho Credit Union, Idaho Falls, Idaho, is authorized to appoint a successor Trustee. Incapacity is defined in accordance with the Idaho Uniform Probate Code, and is to be established for all purposes by the execution of a statement by the person's qualified personal physician, setting forth any and all grounds

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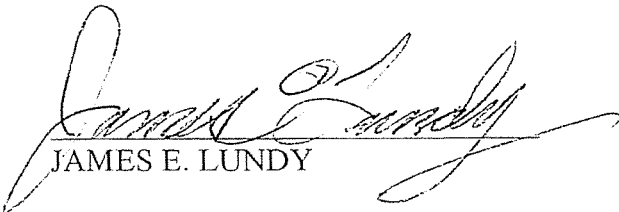
relied upon to support the determination, or by the entry of an order by a court of competent jurisdiction appointing a guardian or conservator for the person. Any party dealing with the successor trustee as to any trust assets shall be entitled to rely solely upon such statement or order.

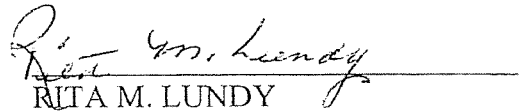
5. That the Trustees and successor trustees are granted all the powers granted to trustees under the Uniform Trustees Powers Act, including all powers necessary to carry the same into effect. The Trustees are further authorized to retain any securities, properties, or investments constituting any part of the trust estate for so long as they deem advisable. In making distributions to beneficiaries, the Trustees are authorized to make adjustments to compensate for the consequences of any tax, investment, administrative decision, or election that has had the effect of preferring one beneficiary or a group of beneficiaries over others.

6. That the Trust Agreement of THE JAMES E. LUNDY AND RITA M. LUNDY FAMILY TRUST was duly executed, in duplicate and with JAMES E. LUNDY and RITA M. LUNDY as initial Trustees, on the 14<sup>th</sup> day of January, 2009, and that said Trust Agreement is legally valid under the laws of the State of Idaho, and was prepared on behalf of the Grantor by and with the advice of Lary S. Larson of the firm Hopkins Roden Crockett Hansen & Hoopes, PLLC, Idaho Falls, Idaho, an attorney duly licensed to practice law in the State of Idaho.

7. This Certificate of Trust replaces and supersedes the Certificate of Trust dated June 14, 2009, and recorded on January 20, 2009 as Instrument No. 240283. This Certificate of Trust is recorded to correct and error in paragraph 6 of the previous Certificate of Trust.

DATED this 5 day of February, 2009.

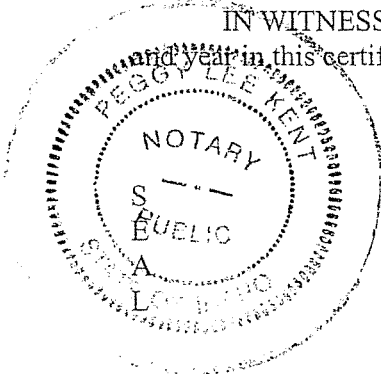
  
JAMES E. LUNDY

  
RITA M. LUNDY

STATE OF IDAHO )  
 ) ss.  
County of CUSTER )

On this 05<sup>th</sup> day of February, 2009, before me,  
Peggy Lee Kent, a Notary Public in and for said State, personally appeared JAMES E.  
LUNDY, known or identified to me to be the person whose name is subscribed to the within  
instrument, and acknowledged to me that he 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.

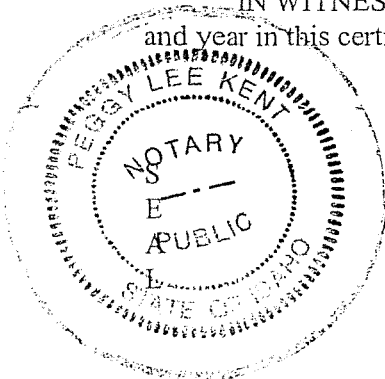


Peggy Lee Kent  
Notary Public for Idaho  
Residing at: MACKAY, ID 83251  
My Commission Expires: 3-29-11

STATE OF IDAHO )  
 ) ss.  
County of CUSTER )

On this 05<sup>th</sup> day of February, 2009, before me,  
Peggy Lee Kent, a Notary Public in and for said State, personally appeared RITA M.  
LUNDY, known or identified to me to be the person whose name is subscribed to the within  
instrument, and acknowledged to me that she 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.



Peggy Lee Kent  
Notary Public for Idaho  
Residing at: MACKAY, ID 83251  
My Commission Expires: 3-29-11

# 240396  
Custer County Req. of  
Hopkins Roden Crockett  
Time 11:40 A M Date 2-17, 2009  
Barbara C. Breedlove, Clerk  
B. Crip \$ 9.00  
Deputy