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DEPT. OF WATER RESOURCES SOUTHERN REGION

STATE 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.

Table with 6 columns: Water Right/Claim No., Split?, Water Right/Claim No., Split?, Water Right/Claim No., Split?. Rows include 36-4032A, 36-4032B, 36-4032C, 36-4032D, and 36-2704 2680.

2. Previous Owner's Name: Rim View, LLC
3. New Owner(s)/Claimant(s): American Falls-Aberdeen Groundwater District, Bingham Groundwater District, Magic Valley Groundwater District and North Snake Groundwater District
Mailing address: Pocatello, ID 83204-1391
Telephone: 208-232-6101, Email: rcb@racinelaw.net

- 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: February 29, 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.
• 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
• 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.

7. Signature: See attached signature page
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:
Received by DB Date 3/5/2012 Receipt No. 5032392 Receipt Amt. \$375-
Approved by Processed by Date

SUPPORT DATA

31.2680

Notice of Change in Water Right Ownership
Water Right Nos. 36-4032A, 36-4032B, 36-4032C, 36-4032D, 36-2704
Dated February 29, 2012

**AMERICAN FALLS-ABERDEEN GROUND
WATER DISTRICT**

By: 
NIC BEHREND, Chairman

BINGHAM GROUND WATER DISTRICT

By: 
CRAIG EVANS, Chairman

**MAGIC VALLEY GROUND WATER
DISTRICT**

By: 
ORLO H. MAUGHAN, Chairman

**NORTH SNAKE GROUND WATER
DISTRICT**

By: 
LYNN CARLQUIST, Chairman

Prepared by, and
after recording return to:

Randall C. Budge, Esq.
Racine, Olson, Nye, Budge & Bailey
P.O. Box 1391
Pocatello, Idaho 83204-1391

Instrument # 240397
GOODING COUNTY, GOODING, IDAHO
02-29-2012 13:29:02 No. of Pages: 6
Recorded for: FIRST AMERICAN TITLE - JEROME
DENISE GILL Fee: \$22.00
Ex-Officio Recorder Deputy: MJS
Electronically Recorded by Simplifile

373924-J

(Space above reserved for County Recorder's Use Only)

WARRANTY DEED

For value received, Rim View LLC, an Idaho limited liability company ("Grantor"), does hereby grant, sell and convey unto North Snake Ground Water District an undivided 40% interest as tenant-in-common, to Magic Valley Ground Water District, an undivided 30% interest as tenant-in-common, to American Falls-Aberdeen Ground Water District, an undivided 17.5% interest as tenant-in-common, and to Bingham Ground Water District, an undivided 12.5% interest as tenant-in-common (collectively "Grantees"), whose address is in care of P.O. Box 1391, Pocatello, Idaho 83204-1391, and their successors and assigns forever, the real property, improvements and water rights located in Gooding County, Idaho, as described in Exhibit "A" attached hereto and incorporated by this reference (the "Property").

TOGETHER WITH all and singular the tenements, hereditaments, easements, rights and appurtenances thereto belonging or in any way appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits therefrom; and all estate, right, and interest in and to the Property, as well in law as in equity.

SUBJECT only to those matters set forth on Exhibit "B", attached hereto and incorporated by this reference ("Permitted Exceptions").

Grantor, for itself and its successors and assigns, covenant and agree with Grantees that Grantor is lawfully seized in fee simple of the Property herein conveyed; that they have good right to sell and convey the same in the manner set forth herein and the Property is free and clear of all liens, claims and encumbrances by and through and under Grantor, except for the Permitted Exceptions; that Grantor, its successors and assigns shall warrant and defend the same unto Grantees forever against the lawful claims and demands of all persons.

EXHIBIT "A"

RIM VIEW LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN A PORTION OF LOTS 1, 2, 9 AND 10, SECTION 10, TOWNSHIP 9 SOUTH, RANGE 15 EAST, BOISE MERIDIAN, GOODING COUNTY IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 10, MARKED BY A 2 INCH DIAM. PIPE, THENCE SOUTH 00°24'52" WEST, ALONG THE SECTION LINE BETWEEN SECTIONS 10 AND 11,(BASIS OF BEARING PER CENTRAL MERIDIAN OF CENTRAL ZONE OF IDAHO STATE PLANE COORDINATE SYSTEM), A DISTANCE OF 754.65 FEET; THENCE NORTH 89°35'08" WEST A DISTANCE OF 427.90 FEET TO A FOUND 1/2 INCH STEEL BAR, BEING THE NORTHEAST CORNER OF A PARCEL OF LAND DESCRIBED IN DEED INST. NO. 210304, ALSO BEING THE **POINT OF BEGINNING**.

THENCE SOUTH 00°24'52" WEST, ALONG THE EAST LINE OF SAID PARCEL OF LAND, A DISTANCE OF 1178.90 FEET TO A POINT ON THE APPROXIMATE MEAN HIGH WATER MARK OF THE RIGHT BANK OF THE SNAKE RIVER; THENCE FOLLOWING SAID APPROXIMATE HIGH WATER MARK OF THE RIGHT BANK OF THE SNAKE RIVER FOR THE NEXT SIX (6) COURSES;

- (1) NORTH 77°58'01" WEST A DISTANCE OF 162.36 FEET;
- (2) SOUTH 89°40'27" WEST A DISTANCE OF 219.74 FEET;
- (3) NORTH 85°32'08" WEST A DISTANCE OF 173.47 FEET;
- (4) SOUTH 88°58'53" WEST A DISTANCE OF 194.46 FEET;
- (5) NORTH 84°32'50" WEST A DISTANCE OF 233.51 FEET;
- (6) NORTH 75°39'17" WEST A DISTANCE OF 123.20 FEET;

THENCE NORTH 00°24'52" EAST, ALONG THE WEST LINE OF SAID PARCEL OF LAND, A DISTANCE OF 891.49 FEET TO A FOUND 1/2 INCH STEEL BAR; THENCE NORTH 00°28'03" EAST, ALONG THE WEST LINE OF SAID PARCEL OF LAND, A DISTANCE OF 311.89 FEET TO THE NORTHWEST CORNER OF SAID PARCEL OF LAND; THENCE SOUTH 83°05'18" EAST, ALONG THE NORTH LINE OF SAID PARCEL OF LAND, A DISTANCE OF 704.29 FEET TO A FOUND 1/2 INCH STEEL BAR; THENCE SOUTH 84°57'48" EAST, ALONG THE NORTH LINE OF SAID PARCEL OF LAND, A DISTANCE OF 399.62 FEET, BEING THE **POINT OF BEGINNING**.

CONTAINING 30.04 ACRES MORE OR LESS.

SUBJECT TO A 50 FOOT WIDE PRESCRIPTIVE RIGHT-OF-WAY OF NIAGARA SPRINGS ROAD TO WENDELL HIGHWAY DISTRICT.

WATER RIGHTS

Water Source:	Water Right No.	Priority Date
Spring flow from Niagara Springs	36-4032A	3/15/1912
Spring flow from Niagara Springs	36-4032B	4/1/1951
Spring flow from Niagara Springs	36-4032C	4/1/1952
Spring flow from Niagara Springs	36-4032D	12/1/1962
Spring flow from Niagara Springs	36-2680	6/6/1966
Spring flow from Niagara Springs	36-7167	1/18/1971
Spring flow from Niagara Springs	36-7789	3/15/1978
Re-Use from IPCO Hatchery	36-7791	3/17/1978
Spring flow from Niagara Springs	36-8597	8/12/1991

EXHIBIT "B"

PERMITTED EXCEPTIONS

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. 2012 taxes that are not yet due and payable.
3. Rights-of-way for ditches, tunnels and telephone and transmission lines constructed by authority of the United States, as granted to the United States under provisions of Section 58-604, Idaho Code.
4. Any assessments for delivery of water levied by the Lower Snake River Aquifer Recharge District.
5. Levies and assessments due Gooding County for solid waste. (Said assessments are included in the taxes.)
6. Right of way for Canals and laterals.
7. Right of way for underground pipe lines.
8. Reservations in United States Patent.
9. Provisions in deed to James H. Mays, recorded February 25, 1914, as Instrument No. 2101.
10. Ditch Agreement upon the terms, conditions and provisions contained therein:
Parties: Ida Owen Mays, a widow and W.M. Thompson and Alice E. Thompson,
husband and wife Recorded: March 13, 1950, Instrument No. 111211
11. Provisions in deed to Wayne Schmeckpeper, recorded April 10, 1950, as Instrument No. 111497.
12. Easement granted to Idaho Power Company, recorded October 3, 1951, as Instrument No. 116426.
13. Easement granted to The Mountain States Telephone and Telegraph Company, recorded February 7, 1955, as Instrument No. 126364.
14. Provisions in deed to H. Warren Barry, David E. Barry and Arlie E. White, recorded February 28, 1958, as Instrument No. 134432.
15. Easement granted to Idaho Power Company, recorded June 20, 1961, as Instrument No. 1587.
16. Easement granted to Idaho Power Company, recorded March 19, 1963, as Instrument No. 7526.
17. Easement granted to Idaho Power Company, recorded June 10, 1963, as Instrument No. 8256.
18. Provisions in Easement Agreement, recorded March 2, 1977, as Instrument No. 63511.
19. Easement granted to Idaho Power Company, recorded January 29, 2001, as Instrument No. 189113.
20. Right-of-way or easement of Niagra Springs Road.