

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

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OCT 26 2011

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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?
37-859A	Yes ☐		Yes ☐		Yes ☐
37-581	Yes ☐		Yes ☐		Yes ☐
37-10504	Yes ☐		Yes ☐		Yes ☐
37-10505	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Patrick J. O'Maley and Juanita M. O'Maley
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Sabala Farms, Inc.
Name of each new owner as listed on the conveyance document

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

1819 East 1550 South

Mailing address

Gooding

ID

83330

City

State

ZIP

208-934-4360

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: 10-11-2011

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: Michael S. Sabala TREASURER 10/7/11
Signature of new owner/claimant Title, if applicable Date

Signature: Mark A. Sabala Pres 10-7-11
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by Che Date 10/27/11 Receipt No. 5032197 Receipt Amt. 10-7-11
50.00

Approved by _____ Processed by _____ Date _____ 8 50.00

WARRANTY DEED

#GG-11378

For Value Received

Patrick J. O'Maley and Juanita M. O'Maley, husband and wife

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

**Sabala Farms, Inc,
Address: 1819 East 1550 South, Gooding, ID 83330**

Instrument # 239169

GOODING, GOODING, IDAHO
10-11-2011 03:38:23 No. of Pages: 3
Recorded for : LAND TITLE AND ESCROW
DENISE M. GILL Fee: 16.00
Ex-Officio Recorder Deputy 

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

**TOWNSHIP 5 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO**

Section 10: SW¼NE¼; W½SE¼; SW ¼

Section 15: N½N½, EXCEPTING right of way for canal as set forth in Deed dated August 26, 1916, recorded September 2, 1916 in Book 3 Deeds Page 33, records of Gooding County, Idaho, lying over and across the W½SE¼ of Section 10 and the N½NE¼ of Section 15.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to 80 shares of Capital Stock from the Big Wood Canal Company, 29 shares from the American Falls Reservoir District #2, 58.5 shares of Supplemental water from the American Falls Reservoir District #2, Water Right No. 37-859A, 37-581, 37-10504 and 37-10505 from the Idaho Department of Water Resources.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 2011 and subsequent years, a lien, but not yet due or payable.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

Assessments of the Big Wood Canal Company and the rights and powers of said Company as by law provided.

**Assessments of the Decreed Water District and the rights and powers of said District as by law provided.
(Assessments paid current)**

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

Terms and conditions of Memorandum of Agreement by and between C. A. Ostrander and Ellen Ostrander, husband and wife, parties of the first part, J. C. Robertson, party of the second part, and William Preis, party of the third part, dated May 13, 1920, recorded May 20, 1920 in Book 2 at Page 202, Gooding County records, pertaining to a ditch and flume.

Terms and conditions of Memorandum of Agreement by and between C. A. Ostrander and Ellen Ostrander,

husband and wife, parties of the first part, J. C. Robertson, party of the second part, and William Preis, party of the third part, dated May 13, 1920, recorded September 27, 1924 in Book 2, Page 481, Gooding County records, pertaining to a ditch and flume.

Agreement for Easement and Right of Way between the Gooding Highway District, acting in this behalf by Gooding Highway District, Grantor, and the United States of America, Grantee, dated October 13, 1942, recorded November 14, 1942 in Book 5, Page 213 as Instrument Number 85435, Gooding County records, pertaining to an easement and right of way for cattle guard located in the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 10 and N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 15, Township 5 South, Range 14, East Boise Meridian.

Power Line Easement given by Ted Wilson and Beulah Wilson, his wife, to Idaho Power Company, a corporation, dated January 29, 1947 recorded April 15, 1948 in Book 5 Misc., Page 307, as Instrument Number 105384, Gooding County records, affecting NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, Township 5 South, Range 14 East Boise Meridian.

Power Line Easement given by Ted Wilson and Beulah Wilson, his wife, to Idaho Power Company, a corporation, dated December 5, 1952, recorded March 19, 1955 in Book 7, Page 375 as Instrument Number 126729, Gooding County records, affecting NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, Township 5 South, Range 14 East Boise Meridian.

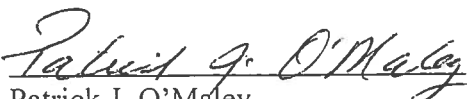
Power Line Easement given by Ted Wilson and Beulah Wilson, his wife, to Idaho Power Company, a corporation, recorded August 17, 1962 as Instrument Number 5383, Gooding County records, affecting NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15 and E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 10, Township 5 South, Range 14 East Boise Meridian.

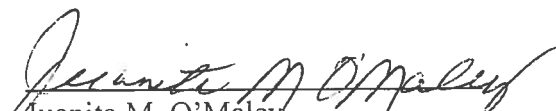
Terms and conditions of Agreement by and between Don Bellamy and Marilee Bellamy, husband and wife, parties of the first part; Capps Farms, Inc., an Idaho corporation, party of the second part; and the Big Wood Canal Company, a non-profit irrigation corporation, dated August 4, 1986, recorded September 24, 1986 as Instrument Number 123986, Gooding County records.

Grant of Easement, including the terms and provisions thereof, by and between Patrick J. O'Maley and Juanita M. O'Maley, husband and wife and Holt Family Trust, for a perpetual easement and right of way to construct and maintain a power pole and buried power line, dated December 19, 2007, recorded December 20, 2007 as Instrument Number 224612, Gooding County records.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: October 11, 2011


Patrick J. O'Maley


Juanita M. O'Maley

STATE OF IDAHO)
) ss.
COUNTY OF GOODING)

On this 11th day of **October, 2011**, before me, the undersigned, a Notary Public in and for said State, personally appeared **Patrick J. O'Maley and Juanita M. O'Maley**, 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.

Susan M Bolton

Notary Public

Residing at:

Gooding, ID

My Commission expires:

10-16-2016

Susan M. Bolton
Notary Public
State of Idaho



Land Title and Escrow, Inc.

Focused on Service, Positioned for the Future

GG-11378

Gooding

October 11, 2011

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OCT 26 2011

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Department of Water Resources
Southern Region
1341 Fillmore Suite 200
Twin Falls, Idaho 83301

RE: Notice of Change of Water Right Ownership

Cert Mail #7010 3090 0002 5448 5257

Dear Sirs:

At the request of the buyer, we are forwarding to your office the following in connection with the above referenced:

-Notice of Change of Water Right Ownership for
Water Right Number #37-859A and 37-581

-Copy of Deed # 239169

37-10504 & 37-10505

Thank you,

LAND TITLE AND ESCROW, INC.

Debbie Zatica
Escrow Assistant
(208)934-8477

P.O. Box 473, 546 Main Street
Gooding, Idaho 83330

cc:

Box 177 • Burley, Idaho • 83318
Ph: 208.878.3524
Fx: 208.878.4435
lteb@pmt.org

Box 5375 • Twin Falls, Idaho • 83303-5375
Ph: 208.933.2650
Fx: 208.933.2655
ltetf@pmt.org

Box 473 • Gooding, Idaho • 83330
Ph: 208.934.8477
Fx: 208.934.5890
lteg@pmt.org

Box 111 • Rupert, Idaho • 83350
Ph: 208.436.0606
Fx: 208.436.1199
lter@pmt.org

Box 349 • Jerome, Idaho • 83338
Ph: 208.324.3357
Fx: 208.324.8961
ltej@pmt.org

November 4, 2011

SABALA FARMS

1819 E 1550 S

GOODING ID 83330

RE: Change of Ownership for Water Right Nos. 37-859A, 37-581, 37-10504, 37-10505

Dear Water Right Holders:

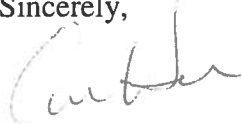
The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the change in ownership and has enclosed computer-generated reports for your records.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Sections 42-222 and 42-223, Idaho Code.

Also, please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,



Carrie Hahn
Clerk

Enclosures