

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 22 2011

Notice of Change in Water Right Ownership

Department of Water Resources
Eastern 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?
31-12051 OK	Yes ☐		Yes ☐		Yes ☐
31-12053 OK	Yes ☐		Yes ☐		Yes ☐
31-12055 OK	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name Lee C. Peterson

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s) Lloyd Barzee

Name of each new owner as listed in the conveyance document

New owner continued

Name Connector ☐ and ☐ or ☐ and/or

1577 N 1950 E

Mailing address

Terreton

City

Idaho

State

83450

ZIP

(208) 663-4558 / 589-6665 cell

Telephone

Email:

Prepared by: Keith C. Wilson c/o Rocky Mountain Environmental Assoc. Inc.

Email: kwilson@rockymountainenvironmental.com



482 Constitution Way, Suite 303, Idaho Falls, ID 83402

(208) 524-2353 / (208) 524-1795 Fax

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: August 30, 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 photography 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:

Lloyd Barzee
Signature of New owner/claimant

Title if applicable

9-22-11
Date

Signature:

Signature of New owner/claimant

Title if applicable

Date

For IDWR Office Use Only:

Received by JB

Date 9/22/2011

Receipt No. E036989

Receipt Amt. \$175.-

Approved by _____

Processed by SUPPORT DATA Date _____

When Recorded Return To: Rocky Mountain Environmental
482 Constitution Way, Suite 303
Idaho Falls, ID 83402

Instrument # 393289

RIGBY, JEFFERSON, IDAHO

9-1-2011 02:18:00 No. of Pages: 5

Recorded for : ROCKY MOUNTAIN ENVIRONMENTAL

CHRISTINE BOULTER

Fee: 22.00

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

SPECIAL WARRANTY DEED FOR WATER RIGHT

Lee C Peterson, whose address is of 1526 N 1900 E, Terreton, ID 83450, ("Grantor"), does hereby grant, bargain, sell, assign, and convey unto Lloyd Barzee, whose address is of 1577 N 1950 E, Terreton, ID 83450 ("Grantee"), and to Grantee's heirs, successors, and assigns forever, all of Grantor's right, title, and interest in the Water Rights described in Exhibit 1, Exhibit 2, and Exhibit 3.

Grantor assigns to Grantee any other interest it may have in the Water Rights including any claim, permit, license, or shares of stock evidencing, claiming, or representing such Water Rights.

To the extent the Water Rights, or any of them, are represented by a permit or other property not conveyable by deed, this deed shall be deemed and shall operate as a bill of sale therefore.

Grantor retains no residual or reversionary interest in any of the Water Right.

Grantor hereby covenants and warrants to Grantee as follows:

- (A) that Grantor is the owner in fee simple of the Water Rights;
- (B) that Grantor has not conveyed any of the Water Right to anyone other than Grantee;
- (C) that each of the Water Rights is free from all liens, claims, or encumbrances;
- (D) that Grantor has the authority to convey the Water Rights to Grantee;
- (E) the Grantor has disclosed to Grantee in good faith all relevant information known to Grantor bearing on the validity and extent of the Water Right.

Grantor makes no other covenants or warranties as to the Water Right.

IN WITNESS WHEREOF, the undersigned Grantor, have caused their name to be hereunto subscribed on the date shown.

Grantor:

Dated: 30 aug 2011

By:

Lee C Peterson
Name

Exhibits:

Exhibit 1 to Water Right Deed: Description of Water Right No. 31-12051

Exhibit 2 to Water Right Deed: Description of Water Right No. 31-12053

Exhibit 2 to Water Right Deed: Description of Water Right No. 31-12055

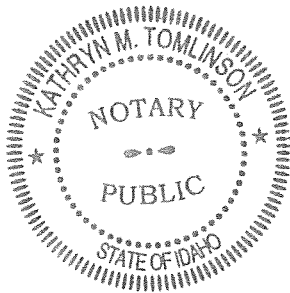
STATE OF IDAHO,)

SS.

County of Idaho.)

On this 30 day of August, ^{2011 KT} 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared, Lee C Peterson, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he/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.



Kathryn M. Tomlinson
Notary Public for Idaho
Residing at: Teton, ID
My Commission Expires: 9-4-15

EXHIBIT 1

WATER RIGHT NO. 31-12051

Current Owner: LEE C PETERSON

Priority Date: 04/02/1962

Status: Active

Basis: Decreed

Source Tributary

GROUND WATER

Beneficial Use From To Diversion Rate Volume

IRRIGATION 04/01 10/31 0.02 CFS 9.6 AFA

Total Diversion 0.02 CFS

Location of Point(s) of Diversion:

GROUND WATER NESWSW Sec. 13 Township 06N Range 35E JEFFERSON County

Place of Use

IRRIGATION Within JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06N	35E	13		NESW 33			NWSW 33			SWSW 33			SESW 30.4	

Total Acres: 129.4

Conditions of Approval:

1. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
2. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 110.
3. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. 131 Prior to the diversion and use of water under Transfer approval 73907, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
5. X27 This right is limited to the irrigation of 3.6 acres within the place of use described above in a single irrigation season.
6. X35 Rights 31-12051, 31-12053, and 31-12055 when combined shall not exceed a total diversion rate of 0.09 cfs, a total annual maximum diversion volume of 15.4 af at the field headgate, and the irrigation of 4.4 acres.
7. Rights 31-11398, 31-11404, 31-11406, 31-12045, 31-12047, 31-12049, 31-12051, 31-12053, and 31-12055 when combined shall not exceed a total diversion rate of 2.33 cfs, a total annual maximum diversion volume of 424.3 af at the field headgate, and the irrigation of 129.4 acres.
8. Rights 31-12051 and 31-12053 when combined shall not exceed a total diversion rate of 0.09 cfs, a total annual maximum diversion volume of 12.6 af at the field headgate, and the irrigation of 3.6 acres.
9. K01 Right no. 31-12055 is an enlargement of this right pursuant to section 42-1426, Idaho Code.
10. T07 The right holder shall accomplish the change authorized by this transfer within 1 year(s) of the date of this approval.
11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Decreed Date: 02/22/2002

EXHIBIT 2

WATER RIGHT NO. **31-12053**

Current Owner: LEE C PETERSON

Priority Date: 05/09/1962

Status: Active

Basis: Decreed

Source Tributary

GROUND WATER

Beneficial Use From To Diversion Rate Volume

IRRIGATION 04/01 11/01 0.07 CFS 12.6 AFA

Total Diversion 0.07 CFS

Location of Point(s) of Diversion:

GROUND WATER NESWSW Sec. 13 Township 06N Range 35E JEFFERSON County

Place of Use

IRRIGATION Within JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06N	35E	13		NESW 33			NWSW 33			SWSW 33			SESW 30.4	

Total Acres: 129.4

Conditions of Approval:

1. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
2. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 110.
3. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. 131 Prior to the diversion and use of water under Transfer approval 73907, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
5. X27 This right is limited to the irrigation of 3.6 acres within the place of use described above in a single irrigation season.
6. X35 Rights 31-12051, 31-12053, and 31-12055 when combined shall not exceed a total diversion rate of 0.09 cfs, a total annual maximum diversion volume of 15.4 af at the field headgate, and the irrigation of 4.4 acres.
7. Rights 31-11398, 31-11404, 31-11406, 31-12045, 31-12047, 31-12049, 31-12051, 31-12053, and 31-12055 when combined shall not exceed a total diversion rate of 2.33 cfs, a total annual maximum diversion volume of 424.3 af at the field headgate, and the irrigation of 129.4 acres.
8. Rights 31-12051 and 31-12053 when combined shall not exceed a total diversion rate of 0.09 cfs, a total annual maximum diversion volume of 12.6 af at the field headgate, and the irrigation of 3.6 acres.
9. K01 Right no. 31-12055 is an enlargement of this right pursuant to section 42-1426, Idaho Code.
10. T07 The right holder shall accomplish the change authorized by this transfer within 1 year(s) of the date of this approval.
11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Decreed Date: 02/22/2002

EXHIBIT 3

WATER RIGHT NO. **31-12055**

Current Owner: LEE C PETERSON

Priority Date: 04/01/1969

Status: Active

Basis: Decreed

Source Tributary
GROUND WATER

Beneficial Use From To Diversion Rate Volume

IRRIGATION 04/01 10/31 0.02 CFS 2.8 AFA

Total Diversion 0.02 CFS

Location of Point(s) of Diversion:

GROUND WATER NESWSW Sec. 13 Township 06N Range 35E JEFFERSON County

Place of Use

IRRIGATION Within JEFFERSON County

Township Range Section Lot Tract Acres Lot Tract Acres Lot Tract Acres Lot Tract Acres

06N 35E 13 NESW 33 NWSW 33 SWSW 33 SESW 30.4

Total Acres: 129.4

Conditions of Approval:

1. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
2. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 110.
3. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. 131 Prior to the diversion and use of water under Transfer approval 73907, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
5. X27 This right is limited to the irrigation of 0.8 acres within the place of use described above in a single irrigation season.
6. X35 Rights 31-12051, 31-12053, and 31-12055 when combined shall not exceed a total diversion rate of 0.09 cfs, a total annual maximum diversion volume of 15.4 af at the field headgate, and the irrigation of 4.4 acres.
Rights 31-11398, 31-11404, 31-11406, 31-12045, 31-12047, 31-12049, 31-12051, 31-12053, and 31-12055 when combined shall not exceed a total diversion rate of 2.33 cfs, a total annual maximum diversion volume of 424.3 af at the field headgate, and the irrigation of 129.4 acres.
7. This right is based upon an enlargement of Right Nos. 31-12051 and 31-12053 pursuant to Section 42-1426, Idaho Code.
8. K02 This right is based upon an enlargement of Right Nos. 31-12051 and 31-12053 pursuant to Section 42-1426, Idaho Code.
9. T07 The right holder shall accomplish the change authorized by this transfer within 1 year(s) of the date of this approval.
10. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
11. T19 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
12. C11

Decreed Date: 02/22/2002

Recording Requested By:

THE BANK OF COMMERCE-MUDLAKE
1098 EAST 1500 NORTH TERRETON, IDAHO 83450

Return To:

THE BANK OF COMMERCE-MUDLAKE
1098 EAST 1500 NORTH
TERRETON, IDAHO 83450



Prepared By:

THE BANK OF COMMERCE-MUDLAKE
1098 EAST 1500 NORTH
TERRETON, IDAHO 83450

ALLIANCE TITLE & ESCROW CORP

3061020614

_____ State of Idaho _____ Space Above This Line For Recording Data _____

REAL ESTATE MORTGAGE

(With Future Advance Clause)

1. **DATE AND PARTIES.** The date of this Mortgage (Security Instrument) is 03-29-2010. The parties and their addresses are:

MORTGAGOR:

LLOYD BARZEE AKA LLOYD RAY BARZEE AND JEWEL BARZEE AKA
JEWELL BARZEE, HUSBAND AND WIFE
1577 NORTH 1850 EAST
TERRETON, ID 83450 .

- ☐ Refer to the Addendum which is attached and incorporated herein for additional Mortgagors.

LENDER:

THE BANK OF COMMERCE-MUDLAKE
1098 EAST 1500 NORTH, PO BOX 159
TERRETON, ID 83450

2. **MORTGAGE.** For good and valuable consideration, the receipt and sufficiency of which is acknowledged, and to secure the Secured Debt (hereafter defined), Mortgagor grants, bargains, sells and conveys to Lender the following described property:

TOWNSHIP 6 NORTH, RANGE 35 EAST, BOISE MERIDIAN, JEFFERSON COUNTY, IDAHO.

SECTION 11: SOUTHEAST QUARTER NORTHWEST QUARTER

SECTION 11: SOUTHWEST QUARTER SOUTHWEST QUARTER

→ SECTION 13: WEST HALF

SECTION 14: NORTH HALF

EXCEPTING THEREFROM:

TOWNSHIP 6 NORTH, RANGE 35 EAST, BOISE MERIDIAN, JEFFERSON COUNTY, IDAHO.

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER NORTHWEST QUARTER OF SAID SECTION 14, AND RUNNING THENCE SOUTH 250 FEET; THENCE WEST 550 FEET; THENCE NORTH 250 FEET; THENCE EAST 550 FEET TO THE POINT OF BEGINNING.

The property is located in JEFFERSON at _____
(County)
TOWNSHIP 6 NORTH, RANGE 35 EAST BOISE MERIDIAN, SECTIONS 11, 13 AND 14
(Address)
IDAHO, Idaho _____
(City) (Zip Code)

Together with all rights, easements, appurtenances, royalties, mineral rights, oil and gas rights, crops, timber, all diversion payments or third party payments made to crop producers, and all existing and future improvements, structures, fixtures, and replacements that may now, or at any time in the future, be part of the real estate described above (all referred to as "Property"). The term Property also includes, but is not limited to, any and all water wells, water, ditches, reservoirs, reservoir sites and dams located on the real estate and all riparian and water rights associated with the Property, however established.

3. **MAXIMUM OBLIGATION LIMIT.** The total principal amount of the Secured Debt (hereafter defined) secured by this Mortgage at any one time shall not exceed \$ 580,081.69. This limitation of amount does not include interest, loan charges, commitment fees, brokerage commissions, attorneys' fees and other charges validly made pursuant to this Mortgage and does not apply to advances (or interest accrued on such advances) made under the terms of this Mortgage to protect Lender's security and to perform any of the covenants contained in this Mortgage. Future advances are contemplated and, along with other future obligations, are secured by this Mortgage even though all or part may not yet be advanced. Nothing in this Mortgage, however, shall constitute a commitment to make additional or future loans or advances in any amount. Any such commitment would need to be agreed to in a separate writing.
4. **SECURED DEBT DEFINED.** The term "Secured Debt" includes, but is not limited to, the following:

☒ Additional Terms.

ADDITIONAL COLLATERAL PERTAINING TO REAL PROPERTY:

WATER RIGHT NO. 31-7175, 31-11388, 31-11404, 31-11406, 31-12045, 31-12047, 31-12048, 31-12051, 31-12053, 31-12055, 31-12044, 31-12046 AND 31-12048.

MUD LAKE WATER USERS: CERTIFICATE NO. 1852 FOR 40 SHARES ISSUED TO LLOYD AND JEWEL BARZEE.

IRRIGATION EQUIPMENT: (3) 7 TOWER VALLEY PIVOTS

(1) G.E. 100 H.P. 1770 RPM MOTOR AND JOHNSON TURBINE PUMP

(1) U.S. 125 H.P. 1775 RPM MOTOR AND JOHNSON TURBINE PUMP

(1) U.S. 150 H.P. 1775 RPM MOTOR AND UNKNOWN TURBINE PUMP

(1) U.S. 125 H.P. 1770 RPM MOTOR AND LAYNE AND BOWLER TURBINE PUMP (CANAL)

SIGNATURES: By signing below, Mortgagor agrees to the terms and covenants contained in this Mortgage and in any attachments. Mortgagor also acknowledges receipt of a copy of this Mortgage on the date stated above on Page 1.

☐ Actual authority was granted to the parties signing below by resolution signed and dated _____.

Entity Name: _____

Lloyd Barzee 3/30/10
(Signature) (Date)
LLOYD BARZEE AKA LLOYD RAY BARZEE

(Signature) (Date)

Jewel Barzee 3/31/10
(Signature) (Date)
JEWEL BARZEE AKA JEWELL BARZEE

(Signature) (Date)

ACKNOWLEDGMENT:

STATE OF IDAHO, COUNTY OF _____ } ss.
On this 29TH day of MARCH, 2010, before me,
(individual) a Notary Public, personally appeared LLOYD BARZEE AKA LLOYD RAY BARZEE; JEWEL BARZEE
AKA JEWEL BARZEE, HUSBAND AND WIFE, known or identified to me
(or proved to me on the oath of _____), to
be the person(s) whose name is subscribed to the within instrument, and
acknowledged to me that she/he/they executed the same.
My commission expires:

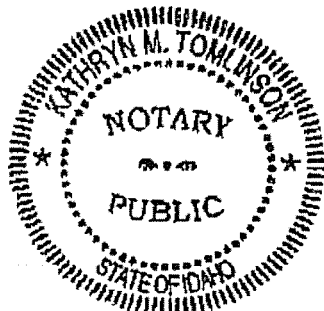
(Notary Public)

(Business
or Entity
Acknowledgment)

STATE OF Idaho, COUNTY OF Jefferson } ss.
On this 31 day of march 2010, before me, a Notary
Public, personally appeared Lloyd R. Barzee and Jewel Barzee
KT, known or identified
to me (or proved to me on the oath of _____),
to be the _____

My commission expires: 9-4-15

Kathryn M. Tomlinson
(Notary Public)



5/08/07

TAX MASTER INQUIRY - JEFFERSON COUNTY

PMPKEY: RP 06N35E134801 A YEAR 2006

TXPKEY: RP06N35E134801A

NAME BARZEE, LLOYD & JEWEL

BILL# 11740

BILLED TO: BARZEE, LLOYD & JEWEL

CODE AREA 28-0000

ACCT TYP

BANK

FLB

OWNER

PUP

ADDRESS 1577 N 1950 E

TERRETON

ID 83450

LEGAL

SW4: SEC 13

TWP 6 NORTH RGE 35 EBM

MARKET VALUE

48,840

HARDSHIP

HOMEOWNER

NET MARKET

48,840

TAX AMOUNT

442.08

LESS: CIRCUIT

PLUS: SPECIALS

NET TAX BILLED

442.08

TAX PAYMENTS

221.04

TAX CANCELLED

SPEC CANCELLED

REMAINING TAX DUE

221.04

NEXT PARCEL# RP _____ A OR NEXT BILL# RP _____ 2006

F3=EXIT F14=OTHER TAXES F2=PRT SCREEN F5=PAYMNTS F6=TRANSACTIONS F24=MORE

F4=TAX COMMENTS

T 73907
ATTACHMENT 3 OF 5