

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED

OCT 25 2010

WATER RESOURCES
WESTERN 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?
PD 77-02205	Yes ☒	(0.04 cfs)	Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Eiguren Ranch, Inc.
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Terry J. Eiguren
Name of each new owner as listed on the conveyance document

New owner continued Name connector ☐ and ☐ or ☐ and/or
P. O. Box 732
Mailing address
Cascade ID 83611
City State ZIP
(208) 382-5400
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: June 29, 2010

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 9-27-10
Signature of new owner/claimant

Signature: _____ Title, if applicable _____ Date _____
Signature of new owner/claimant

For IDWR Office Use Only:

Received by [Signature] Date 10-25-10 Receipt No. W038815 Receipt Amt. 225.
Approved by _____ Processed by [Signature] Date 7-13-11

CORRECTION GRANT DEED

THIS GRANT DEED is made and entered into the 29th day of June, 2010, by and between EIGUREN RANCH, INC., an Idaho corporation, (Grantor) and TERRY J. EIGUREN, a married man as his sole and separate property, whose current address is P.O. Box 732, Cascade, Idaho 83611 (Grantee).

The Grantor for good and valuable consideration, receipt and sufficiency whereof is hereby acknowledged, hereby grants, bargains, sells and conveys unto Grantee as his sole and separate property together with the income including the rents, issues and profits therefrom as Grantee's separate property and to Grantee's successors, heirs and assigns the following-described premises situated in Valley County, State of Idaho:

A parcel of land located in Section 26, T.19N., R.7E. B.M., Valley County, Idaho, being more particularly described as follows:

Commencing at the 1/4 corner common to said Section 26 and Section 25, T.19N., R.7E., B.M., CPF Inst. 106846, corner records of said Valley County being the TRUE POINT OF BEGINNING.

Thence a bearing of N.89°46'47" W, a distance of 330.96 feet to a set 5/8 inch rebar; thence a bearing of S.0°21'13" W, a distance of 433.60 feet to a set 5/8 inch rebar on the north right-of-way boundary of the East Fork Road; thence on a curve to the right on the north right-of-way boundary of the East Fork Road, which curve has a radius of 1490.66 feet, a length of 16.18 feet, and a chord which bears S.85°40'21" E, a distance of 16.18 feet to a set 5/8 inch rebar; thence a bearing of S.85°21'41" E, a distance of 199.26 feet on said north right-of-way boundary of the East Fork Road to a set 5/8 inch rebar; thence on a curve to the right, on said north right-of-way boundary of the East Fork Road, which curve has a radius of 1244.18 feet, a length of 116.68 feet, and a chord which bears S.82°40'29" E, a distance of 116.63 feet to a set 5/8 inch rebar; thence a bearing of N.0°23'42" E, a distance of 464.54 feet on the section line common to said Sections 25 and 26 to the POINT OF BEGINNING.

Said described parcel of land contains 3.39 acres, more-or-less.

TOGETHER with the following:

- (a) Primary Road and Utility Easement. A permanent non-exclusive easement across the real property described in Exhibit A (Premises) for a road for ingress to and egress from the real property described above (Appurtenant Property) and for utility lines, all of which shall be appurtenant to and shall not be separated from the Appurtenant Property (Primary Road and Utility Easement). A road presently exists over the Premises. Grantor and Grantor's successors, heirs and assigns shall have no

obligation to maintain any portion of the road except as provided herein or install any utility lines.

The Premises joins with a segment of an easement claimed by Valley County, Idaho, as a public road which commences on the East Fork of the South Fork of the Salmon River Road and proceeds across land owned by the United States of America and administered by the Department of Agriculture, Forest Service, at the POINT OF BEGINNING of the centerline described in Exhibit A. The easement across the lands of the United States of America for public road purposes is claimed by Valley County, Idaho, pursuant to Revised Statutes of the United States, §2477 (Act of July 26, 1866, 14 Stat. L., Ch. 262, p.253, Sec.8). Also, the United States of America acting by and through the Forest Service, Department of Agriculture, on December 19, 2005, granted to Valley County an easement for a public road for the road claimed by Valley County which was recorded as Instrument No. 305250, records of the Valley County Recorder, Valley County, Idaho. This Deed does not include a conveyance of any interest in the lands of the United States of America or a conveyance of any interest in the Premises in conflict with rights held by Valley County, Idaho. The road across the lands of the United States of America and the property described in Exhibit A is herein called the "Primary Road".

- (b) Willie Trail Road and Utility Easement. A permanent non-exclusive easement across the real property described in Exhibit B for a road for ingress to and egress from the Appurtenant Property and for utility lines, all of which shall be appurtenant to and shall not be separated from the Appurtenant Property (Willie Road and Utility Easement). A road presently exists over the area described in Exhibit B. Grantor and Grantor's successors, heirs and assigns shall have no obligation to maintain any portion of that road except as provided herein or to construct any portion of the road or install any utility lines.
- (c) Whiskey Creek Road Extension and Utility Easement. A permanent non-exclusive easement across the real property described in Exhibit C for a road for ingress to and egress from the Appurtenant Property and for utility lines, all of which shall be appurtenant to and shall not be separated from the Appurtenant Property (Whiskey Creek Road Extension and Utility Easement). A road presently exists over the area described in Exhibit C. Grantor and Grantor's successors, heirs and assigns shall have no obligation to maintain any portion of that road except as provided herein or to construct any portion of the road or install any utility lines.
- (d) Eiguren Ranch and Whiskey Creek Road and Utility Easements. A permanent non-exclusive easement across the real property described as Eiguren Ranch Road and as Whiskey Creek Road on the plat of EIGUREN RANCH SUBDIVISION, according to the plat thereof recorded as Instrument No. 308194, records of the Valley County Recorder, Valley County, Idaho, for a road for ingress to and egress from the Appurtenant Property and for utility lines, all of which shall be appurtenant to and shall not be separated from the Appurtenant Property (Eiguren Ranch Road and the Whiskey Creek Road and Utility Easement). A road presently exists over the

Whiskey Creek Road and Eiguren Ranch Road. Grantor and Grantor's successor, heirs and assigns shall have no obligation to maintain any portion of that road except as provided herein or to construct any portion of the road or install any utility lines.

- (e) Provisions, Terms, Conditions, Restrictions and Covenants Applicable to Subparagraphs (a), (b), (c) and (d). The Road and Utility Easements referred to in subparagraphs (a) through (d) shall all be subject to the following provisions, terms, conditions, restrictions and covenants.
- (i) The Grantee and Grantee's successors, heirs and assigns and their respective employees, tenants, guests, invitees and licensees, at all times hereafter, with or without motor vehicles, or other modes of transportation or on foot shall have the right to cross over, pass, repass along and over the real property described in Exhibits A, B and C and the Eiguren Ranch Road and the Whiskey Creek Road as described in subparagraph (d) for the purpose of obtaining ingress to and egress from the Appurtenant Property for all purposes connected with the use of the Appurtenant Property. Use of the easements for road purposes shall also include the right to construct, grade, level, fill, maintain and repair the roadways in common with all others having a similar right including the laying of a hard surface or gravel, except as may be restricted as provided above.
- (ii) The Grantee and Grantee's successors, heirs and assigns and their respective licensees, at all times hereafter, shall have the right to place utility and service lines, conduits, cables and pipelines above and below the real property described in Exhibits A, B and C and the Eiguren Ranch Road and the Whiskey Creek Road as described in subparagraph (d) of all nature and description including, without limitation, telecommunication lines, television cables, electricity lines, natural gas lines, sewer lines, drain lines, water lines and all lines, cables and conduits and pipelines for providing services to the Appurtenant Property and to thereafter maintain, repair and replace those utility and service lines, cables, conduits and pipelines and to remove obstructions which may injure or interfere with the use, occupation and enjoyment of those lines, cables, conduits and pipelines. Use of the real property described in Exhibits A, B and C and the Eiguren Ranch Road and the Whiskey Creek Road as described in subparagraph (d) shall also permit the placement on the surface of the ground within such descriptions of such equipment as is reasonably necessary for the operation of the utility and service lines, cables, conduits and pipelines such as transformers, above ground service centers, poles and other supports with guys, cross arms and other attachments or incidental equipment.
- (iii) The Grantor and the Grantee and their respective successors, heirs and assigns together with their respective employees, tenants, guests, invitees and licensees shall have the common use of the real property described in Exhibits A, B and C and the Eiguren Ranch Road and the Whiskey Creek

Road as described in subparagraph (d) for the purposes herein provided. Each shall use the real property for the purposes herein provided so as not to unreasonably interfere with the use thereof by the other and their respective employees, tenants, guests, invitees and licensees. The Grantor reserves the right to place a gate across the easements at the TRUE POINT OF BEGINNING and at the POINT OF ENDING of the easements described in Exhibits A, B and C and the Eiguren Ranch Road and the Whiskey Creek Road as described in subparagraph (d).

- (iv) Grantor hereby agrees that should the Grantee subdivide, sell, transfer or dispose of all or any part of the Appurtenant Property, the Grantee's successors, heirs and assigns shall have the same right to the use of the easements set forth above subject to the conditions herein stated.
- (v) Maintenance of the permitted uses permitted under easements set forth above shall be the sole responsibility of the Grantee and Grantee's successors, heirs and assigns so long as a similar use of the area within the easements is not made by the Grantor or Grantor's successors, heirs and assigns. In the event a similar use is jointly made by the parties or their respective successors, heirs or assigns, then the maintenance of the particular joint use shall be shared pro rata between them in accordance with the extent of the use being made.
- (vi) The easements shall inure to the benefit of and may be used by all persons who become the owners of the Appurtenant Property or any part thereof. Each and all of the provisions of this instrument are intended to be construed to be covenants running with the land.
- (vii) Grantor reserves the right to grant and convey similar easements over and across and under the real property described in Exhibits A, B and C and the Eiguren Ranch Road and the Whiskey Creek Road as described in subparagraph (d) or in those grants or conveyances to further restrict and limit the rights of others in the use of that real property, it being the intent that exclusive use of the easements has not been conveyed to the Grantee by this instrument.
- (viii) The provisions hereof shall apply to and bind the respective parties and their successors, heirs and assigns.

ALSO TOGETHER with 0.04 cfs of Water Right No. 77-02205 which has a priority date of April 26, 1966, to be diverted solely from Whiskey Creek for irrigation, stock water and domestic uses (one home) as set forth therein. Water Right No. 77-02205 is for 0.94 cfs from Whiskey Creek and Parks Creek. All of the water right from Whiskey Creek, 0.04 cfs, is being conveyed by this Grant Deed. Grantor has previously conveyed 0.50 cfs of this water right to be diverted solely from Parks Creek to the owner of the property to which it is appurtenant by Instrument No. 352913, records of the Valley County Recorder, Valley County, Idaho.

SUBJECT to real property taxes and assessments for the year 2010 and thereafter; the First Alternate Road and Utility Easement as described in Instrument No. 277948, records of Valley County, Idaho, to the extent provided in that Instrument; any other easements of record or apparent; and all covenants, reservations and restrictions of record or apparent.

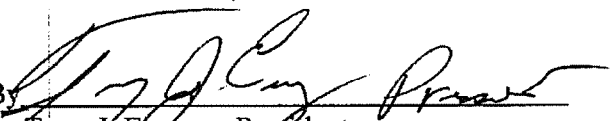
TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereto belonging or in any way appertaining, and the reversions, remainder and remainders and the income, including the rents, issues and profits thereof as Grantee's separate property and also all of the estate, right, title, interest in and to the above property, possession, claim and demand whatsoever, as well in law as in equity, in or to the premises, and every part or parcel thereof with the appurtenances.

TO HAVE AND TO HOLD all and singular the premises and the appurtenances forever.

The purpose of this Correction Grant Deed is to state the portion of Water Right No. 77-02205 being conveyed to the Grantee as an appurtenance to the real property described above by correcting the Grant Deed recorded as Instrument No. 333044, records of the Valley County Recorder, Valley County, Idaho. The conveyance of the real property described above includes 0.04 cfs of Water Right No. 77-02205 from solely Whiskey Creek. No interest in the water from Parks Creek, no interest in the ditch diverting water from Parks Creek, and no part of the conveyance losses allocated to Water Right No. 77-02205 are being conveyed by this Correction Grant Deed.

IN WITNESS WHEREOF, the Grantor has executed this instrument the day and year first above written.

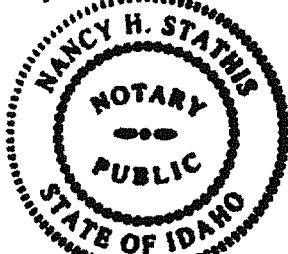
EIGUREN RANCH, INC.

By 
Terry J. Eiguren, President

STATE OF IDAHO)
 : ss.
County of)

On this 29th day of June, 2010, before me, the undersigned Notary Public in and for said State, personally appeared **TERRY J. EIGUREN**, known or identified to me to be the President of **EIGUREN RANCH, INC.**, the corporation that executed the within instrument and the person who executed the instrument on behalf of the corporation, and acknowledged to me that such corporation 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.



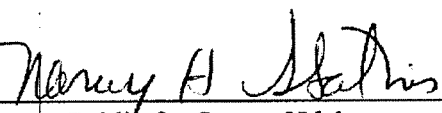

Notary Public for State of Idaho
Residing at M^cCall, Idaho
My Commission Expires: 6-5-2014

EXHIBIT A

Primary Road and Utility Easement

An easement for a road right-of-way located in the S1/2 of the NW1/4 of Section 25, T.19N., R.7E., B.M., Valley County, Idaho, being more particularly described as follows:

Commencing at the C1/4 of said Section 25, C.P.F. Inst. 106819, corner records of said Valley County; thence a bearing of N.0°21'10" E, a distance of 85.36 feet to a set 5/8 inch rebar on the centerline of an existing 80 foot-wide road being the TRUE POINT OF BEGINNING.

Thence a strip of land 40 ft. wide located west of the following described line: N.0°21'32" E, a distance of 126.52 feet to a point; thence a bearing of N.0°21'32" E, a distance of 251.21 feet to a set 5/8 inch rebar on the centerline of said existing road the POINT OF ENDING of said easement.

SAVE AND EXCEPT any portion of said 40 foot-wide strip of land located within the boundary of that 2.00 acres of land described by Record of Survey Book 3, page 51, survey records of said Valley County.

EXHIBIT B

Willie Road and Utility Easement Section 25, T.19N., R.7E., B.M., Valley County, Idaho

The centerline of an 80 foot-wide road easement, being more particularly described as follows:

Commencing at the center 1/4 corner of said Section 25, C.P.F. Inst. 106819, corner records of said Valley County; thence a bearing of N.0°21'10" E, a distance of 85.36 feet on the easterly boundary of the NW1/4 of said Section 25 to a set 5/8 inch rebar on said centerline; thence a bearing of N.0°21'10" E, a distance of 59.43 feet on said centerline to a point; thence a bearing of N.4°21'32" E, a distance of 293.55 feet on said centerline to a point; thence on a curve to the left, on said centerline, which curve has a radius of 24.15 feet, a length of 36.03 feet, and a chord which bears N.38°23'16" W, a distance of 32.78 feet to a set 5/8 inch rebar being the TRUE POINT OF BEGINNING.

Thence a bearing of N.81°08'23" W, a distance of 433.36 feet on said centerline to a set 5/8 inch rebar; thence on a curve to the right, on said centerline, which curve has a radius of 1015.56 feet, a length of 285.80 feet, and a chord which bears N.73°04'39" W, a distance of 284.86 feet to a set 5/8 inch rebar; thence a bearing of N.65°00'56" W, a distance of 203.07 feet, on said centerline, to a set 5/8 inch rebar; thence on a curve to the right, on said centerline, which curve has a radius of 83.97 feet, a length of 132.85 feet, and a chord which bears N.19°41'24" W, a distance of 119.43 feet to a set 5/8 inch rebar; thence a bearing of N.25°38'07" E, a distance of 170.20 feet, on said centerline, to a set 5/8 inch rebar; thence on a curve to the right, on said centerline, which curve has a radius of 374.47 feet, a length of 162.55 feet, and a chord which bears N.38°04'15" E, a distance of 161.28 feet to a set 5/8 inch rebar; thence on a curve to the left, on said centerline, which curve has a radius of 398.18 feet, a length of 162.83 feet, and a chord which bears N.38°47'27" E, a distance of 161.70 feet to a set 5/8 inch rebar; thence a bearing of N.27°04'32" E, a distance of 112.65 feet, on said centerline, to a set 5/8 inch rebar on the north boundary of the S1/2 of the NW1/4 of said Section 25, being the POINT OF ENDING of said easement.

EXHIBIT C

Whiskey Creek Road Extension and Utility Easement

The centerline of an 80 foot-wide road easement being more particularly described as follows:

Commencing at the center 1/4 corner of said Section 25, C.P.F. Inst. 106819, corner records of said Valley County; thence a bearing of N.0°21'10" E, a distance of 85.36 feet on the easterly boundary of the S1/2 of the NW1/4 of said Section 25 to a set 5/8 inch rebar being the TRUE POINT OF BEGINNING.

Thence a bearing of N.44°25'59" W, a distance of 92.43 feet, on said centerline, to a set 5/8 inch rebar; thence on a curve to the left, on said centerline, which curve has a radius of 150.73 feet, a length of 96.56 feet, and a chord which bears N.62°47'06" W, a distance of 94.91 feet to a set 5/8 inch rebar; thence a bearing of N.81°08'12" W, a distance of 308.60 feet, on said centerline, to a set 5/8 inch rebar; thence on a curve to the right, on said centerline, which curve has a radius of 40.04 feet, a length of 20.97 feet, and a chord which bears N.66°08'07" W, a distance of 20.73 feet to a set 5/8 inch rebar, which point is on the easterly terminus of the centerlines of Whiskey Creek Road and Eiguren Ranch Road as shown on the Plat of EIGUREN RANCH SUBDIVISION according to the plat thereof recorded as Instrument No. 308194, records of Valley County, Idaho, and the TRUE POINT OF ENDING.