

RECEIVED

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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APR 05 2007

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
45-307B	45-14062 45-14063	XX			

The following REQUIRED information must be submitted with this form:

- The appropriate FILING FEE. See instructions for fee amounts.
- A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, WITH ATTACHED LEGAL DESCRIPTION.
- Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency AERIAL PHOTO with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

Name and Address of Former
Owner/Claimant(s)

THE ESTATE OF BENNIE GERALD CHATBURN

3236 Chicory Way Boise, ID 83706

New Owner/Claimant(s)

JOHN W. GARLAND

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

136 East Market Street

City, State and ZIP Code

Albion, ID 83311

New Telephone Number

()

Date you acquired the property

March

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number 45-307B

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>.048</u>	<u>2.500 water acres / .03623%</u>
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) JOHN W. GARLAND
(include title if applicable) John W. Garland

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by [Signature] Date 4/6/07 Fee \$100
 Receipted by [Signature] Date 4/9/07 Receipt No. 5029393
 Processed by AL Date _____ WR _____ Date _____

314750

WARRANTY DEED

#43119

For Value Received

FRANCES C. FIELD, Personal Representative of THE ESTATE OF BENNIE GERALD CHATBURN, deceased

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

JOHN W. GARLAND, an unmarried man
Address: 136 East Market Street, Albion, ID 83311

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

SEE ATTACHED EXHIBIT "A"

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

SUBJECT TO:

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

Taxes for 2007 and subsequent years, a lien, but not yet due or payable.

Any assessments levied, or to be levied, by the City of Albion.

This deed is executed pursuant to Letters Testamentary dated December 12, 2005 and recorded March 21, 2007 as Instrument No. 314596 records of Cassia County, Idaho.

THIS PROPERTY IS BEING CONVEYED WITH THE RESTRICTION THAT NO HOME OR HOMES SHALL BE ALLOWED TO BE PLACED ON THE PROPERTY EXCEPT FOR HOMES THAT ARE BUILT ON THE PREMISES.

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.

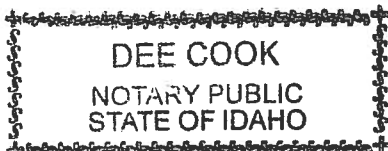
Dated: March 21, 2007

THE ESTATE OF BENNIE GERALD CHATBURN

BY: Frances C. Field
FRANCES C. FIELD, Personal Representative

STATE OF IDAHO)
COUNTY OF Ada) ss.

On this 31st day of March, 2007, before me, the undersigned, a Notary Public in and for said State, personally appeared FRANCES C. FIELD, known or identified to me to be the person whose name is subscribed to the within instrument as Personal Representative of the Estate of Bennie Gerald Chatburn, and acknowledged to me that she executed the same as such Personal Representative.



Dee Cook
Notary Public
Residing at: Boise ID
My Commission expires: 3/19/2011

CASSIA COUNTY, IDAHO
LARRY A. MICKELSEN
RECORDER
FEE 6.00 DEPUTY Wendy [Signature]
2007 MAR 28 AM 8 48
RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

EXHIBIT "A"

TOWNSHIP 12 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 6: Part of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, more particularly described as follows:

Beginning at the Northeast corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 6, said corner marked by a 5/8 rebar; Thence North 89°49'03" West along the North line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ for a distance of 322.57 feet; Thence South 01°53'26" West along the East extended boundary of Lot 15 of the Albion Townsite for a distance of 205.09 feet to a ½ inch rebar on the South boundary of Market Street which shall be the Point of Beginning;

Thence South 88°41'22" East for a distance of 40.16 feet to a ½ inch rebar;

Thence South 01°50'50" East for a distance of 308.04 feet to a ½ inch rebar;

Thence South 01°50'50" East for a distance of 25.92 feet to the centerline of Marsh Creek;

Thence along the centerline of Marsh Creek on the following courses and distances:

South 77°56'08" West, 16.44 feet;

South 76°50'26" West, 47.33 feet;

North 84°46'57" West, 42.76 feet;

South 57°38'47" West, 26.97 feet;

South 70°16'35" West, 32.51 feet;

South 26°24'35" West, 19.47 feet;

South 01°24'16" East, 23.18 feet;

South 22°15'44" West, 24.12 feet;

South 75°11'18" West, 48.89 feet;

South 66°31'03" West, 25.01 feet;

South 42°26'02" West, 18.71 feet;

South 07°34'56" West, 28.42 feet;

South 34°57'00" West, 20.38 feet;

South 75°17'04" West, 19.12 feet;

North 22°47'55" West, 50.29 feet;

North 37°34'32" East, 33.99 feet;

North 13°34'02" East, 21.75 feet;

North 17°37'26" West, 14.14 feet;

North 59°20'15" West, 58.10 feet;

North 88°24'36" West, 24.61 feet;

Thence leaving said Marsh Creek South 82°47'14" West for a distance of 35.38 feet to a ½ inch rebar;

Thence North 33°47'57" East for a distance of 27.12 feet to a ½ inch rebar;

Thence North 02°50'30" East for a distance of 231.80 feet to a ½ inch rebar;

Thence South 88°41'22" East for a distance of 3.29 feet to a ½ inch rebar;

Thence North 00°54'57" East for a distance of 48.86 feet to a ½ inch rebar;

Thence South 88°41'21" East for a distance of 16.00 feet to a ½ inch rebar;

Thence North 00°54'58" East for a distance of 90.00 feet to a ½ inch rebar on the South boundary of Market Street;

Thence South 88°41'22" East along the South boundary of Market Street for a distance of 300.80 feet to the Point of Beginning.

