

WD #34

RECEIVED DEV

Form 42-248/42-1409(6) 10/07

JAN 12 2010

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Department of Water Resources
 Eastern Region

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

1. 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 IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
wn 34-2349		X			
wn 34-678A		X			
wn 34-217C		X			
wn 34-7084		X			

SUPPORT DATA

2. The following **REQUIRED** information must be submitted with this form:

IN FILE # 217C

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. 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**.
- C. 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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. 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 or equivalent **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**.

3. Name and Address of Former Owner/Claimant(s)

Robert N. Nielson

4. New Owner/Claimant(s)

~~James S. G~~ James S. Gregory
 Cindy Lou Gregory

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

5306 Zollinger RD

City, State and ZIP Code

Mackay, ID 83251

New Telephone Number

(208) 588-2447 Email: Fishchief@yahoo.com

5. Date you acquired the property

4 November 2009

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

7. Signature(s) of New Owner(s) or Claimant(s)

Jim Gregory

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by BMM
 Received by BMM
 Processed by _____ AJ

Date 11/12/2010
 Date 11/12/2010
 Date _____

Receipt Amt. \$400.00
 Receipt No. EO35544
 WR _____ Date _____

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
168 West Pacific/P.O. Box 868
Blackfoot, ID 83221

241910
Custer County Req. of
First American Title
Time 4:14 PM Date 12/9, 2009
Barbara C. Tierney, Clerk
Christy Felt \$12.00
Deputy

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **311437-B (Id)**

Date: **November 04, 2009**

For Value Received, **Robert N. Nielson and Diana L. Nielson, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **James S. Gregory and Cindy Lou Gregory, husband and wife**, hereinafter called the Grantee, whose current address is **5306 Zollinger Road, Mackay, ID 83251**, the following described premises, situated in **Custer County, Idaho**, to-wit:

PARCEL 1:

PART OF THE SE $\frac{1}{4}$ LYING SOUTH OF THE U.S. HIGHWAY 93 AND NORTHERLY OF THE SUTTER IRRIGATION DITCH, SECTION 5, TOWNSHIP 6 NORTH, RANGE 25 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO, DESCRIBED AS:
COMMENCING AT THE SE CORNER OF SECTION 5, SAID POINT BEING A $\frac{1}{2}$ " IRON ROD; THENCE N. 00°28'06" W. 648.00 FEET ALONG THE SECTION LINE TO THE POINT OF BEGINNING, SAID POINT BEARS S. 00°28'06" E. 2101.85 FEET FROM THE E $\frac{1}{4}$ CORNER OF SAID SECTION 5 AND IS MARKED BY A $\frac{1}{2}$ " IRON ROD WITH A PLASTIC CAP MARKED HLE PLS 12222; THENCE N. 00°28'06" W. 766.13 FEET TO A POINT ON THE SOUTHERLY U.S. HIGHWAY 93 RIGHT-OF-WAY, SAID POINT BEING MARKED BY A $\frac{1}{2}$ " ROD WITH PLASTIC CAP MARKED HLE PLS 12222; THENCE N. 65°06'07" W. 709.96 FEET ALONG SAID RIGHT OF WAY TO A $\frac{1}{2}$ " IRON ROD WITH PLASTIC CAP MARKED HLE PLS 12222; THENCE ALONG AN EXISTING FENCE LINE THE FOLLOWING THREE (3) COURSES: (1) S. 69°37'12" W. 29.21 FEET, SAID POINT BEING MARKED BY A $\frac{1}{2}$ " IRON ROD WITH PLASTIC CAP MARKED HLE PLS 12222; (2) S. 89°18'23" W. 446.97 FEET, SAID POINT BEING MARKED BY A $\frac{1}{2}$ " IRON ROD WITH PLASTIC CAP MARKED HLE PLSS 12222; (3) S. 00°03'43" E. 118.41 FEET, SAID POINT BEING MARKED BY A $\frac{1}{2}$ " IRON ROD WITH PLASTIC CAP MARKED HLE PLSS 12222; THENCE N. 88°52'13" W., 185.20 FEET TO A $\frac{1}{2}$ " IRON ROD WITH PLASTIC CAP MARKED HLE PLSS 12222; THENCE N. 00°30'08" W. 70.79 FEET TO A $\frac{1}{2}$ " IRON ROD WITH PLASTIC CAP MARKED HLE PLSS 12222; THENCE S., 89°29'52" W. 35.00 FEET TO A $\frac{1}{2}$ " IRON ROD WITH PLASTIC CAP MARKED HLE PLSS 12222; THENCE S. 00°30'08" E. 69.79 FEET TO A $\frac{1}{2}$ " IRON ROD WITH PLASTIC CAP MARKED HLE PLSS 12222; THENCE N. 88°52'13" W. 179.83 FEET TO A $\frac{1}{2}$ " IRON ROD WITH PLASTIC CAP MARKED HLE PLSS 12222; THENCE S. 00°30'08" E. 920.84 FEET TO A $\frac{1}{2}$ " IRON ROD WITH PLASTIC CAP MARKED HLE PLSS 12222 ON THE NORTHERLY LINE OF THE SUTTER IRRIGATION DITCH PER RECORD OF SURVEY INSTRUMENT NUMBER 205933 AND DEED INSTRUMENT NUMBER 240980; THENCE ALONG SAID DITCH THE FOLLOWING FIVE (5) COURSES: (1) S. 84°12'15" E. 488.06 FEET TO A $\frac{1}{2}$ " IRON ROD WITH PLASTIC CAP MARKED HLE PLSS 12222; (2) N. 65°08'50" E. 350.07 FEET TO A $\frac{1}{2}$ " IRON ROD WITH PLASTIC CAP MARKED HLE PLSS 12222 (3) S. 81°18'13" E. 517.24 FEET TO A $\frac{1}{2}$ " IRON ROD WITH PLASTIC CAP MARKED HLE PLSS 12222; (4) S. 00°28'06" E. 36.47 FEET TO A $\frac{1}{2}$ " IRON ROD WITH PLASTIC CAP MARKED HLE PLSS 12222; (5) S. 89°38'34" E. 201.52 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

Date: 11/04/2009

Warranty Deed
- continued

File No.: 311437-B (ld)

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS BEING A PART OF THE NE $\frac{1}{4}$ SE $\frac{1}{4}$ LYING SOUTH OF U.S. HIGHWAY 93, SECTION 5, TOWNSHIP 6 NORTH, RANGE 25 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO, DESCRIBED AS: COMMENCING AT THE SE CORNER OF SECTION 5, SAID POINT BEING A $\frac{1}{2}$ " IRON ROD; THENCE N. 00°28'06" W. 1414.13 FEET ALONG THE SECTION LINE TO A POINT ON THE SOUTHERLY U.S. HIGHWAY 93 RIGHT-OF-WAY, SAID POINT BEING A $\frac{1}{2}$ " IRON ROD WITH PLASTIC CAP MARKED HLE PLSS 12222 WHICH BEARS S. 00°28'06" E. 1335.82 FEET FROM THE E $\frac{1}{4}$ CORNER OF SAID SECTION, SAID POINT BEING MARKED BY A $\frac{3}{4}$ " IRON ROD; THENCE N. 65°06'07" W. 709.96 FEET ALONG SAID RIGHT-OF-WAY TO A $\frac{1}{2}$ " IRON ROD WITH PLASTIC CAP MARKED HLE PLSS 12222, SAID POINT BEING ON THE SOUTHERLY SIDE OF AN EXISTING DRIVEWAY AND ALSO BEING THE POINT OF BEGINNING; THENCE ALONG AN EXISTING FENCE LINE THE FOLLOWING TWO (2) COURSES: (1) S. 69°37'12" W. 29.21 FEET, SAID POINT BEING MARKED BY A $\frac{1}{2}$ " IRON ROD WITH PLASTIC CAP MARKED HLE PLSS 12222; (2) S. 89°18'23" W. 275.32 FEET, SAID POINT BEING MARKED BY A $\frac{1}{2}$ " IRON ROD WITH PLASTIC CAP MARKED HLE PLSS 12222; THENCE N. 01°22'00" W. 30.37 FEET TO AN EXISTING FENCE ON THE NORTH SIDE OF SAID EXISTING DRIVEWAY; THENCE ALONG SAID EXISTING FENCE THE FOLLOWING TWO (2) COURSES: (1) N. 88°38'00" E. 254.09 FEET TO SAID SOUTHERLY RIGHT-OF-WAY; (2) S. 65°06'07" E. 54.44 FEET ALONG SAID RIGHT-OF-WAY TO THE POINT OF BEGINNING.

SUBJECT TO: Deed Restrictions in attached Exhibit "A"

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

File No.: 311437-B (Id)


Robert N. Nielson


Diana L. Nielson

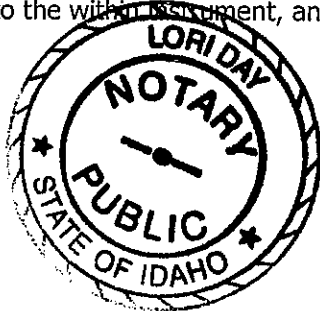
BUYER(S):

James S. Gregory
James S. Gregory

Cindy Lou Gregory
Cindy Lou Gregory

STATE OF Idaho)
) ss.
COUNTY OF Bingham)

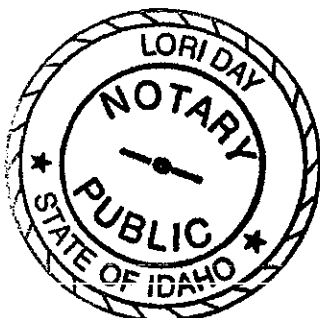
On this **6th day of November, 2009**, before me, a Notary Public in and for said State, personally appeared **Robert N. Nielson and Diana L. Nielson**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Notary Public for the State of Idaho
Residing at: Blackfoot, Idaho
My Commission Expires: 10/21/2015

STATE OF Idaho)
)
) ss.
COUNTY OF Bingham)

On this 6th day of November, 2009, before me, a Notary Public in and for said State, personally appeared **James S Gregory and Cindy Lou Gregory**, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.



Notary Public of Idaho
Residing at: Blackfoot, Idaho
Commission Expires: 10/21/2015

Deed Restrictions

Exhibit "A"

1. No mobile home(s) or modular style home(s) shall be on the property at any time, unless it is a new modular home permanently attached to a foundation.
2. All parcel owners shall keep property and all improvements on the property clean, safe, and attractive and in repair. No trash, waste, garbage, junk, junk cars or refuse shall be evident on the property.
3. No outdoor toilet facilities are allowed with exception of a portable toilet or "porta-potty" during construction of new residential structure. Or where as needed for family or friend functions.
4. No noxious or illegal activity shall be carried on upon any parcel nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.
5. An R.V. may only be lived in during the construction phase and only one R.V. shall be stored on the property at one time. Camping in multiple R.V's shall not be long-term but shall be restricted to short periods of visits by family and friends.
6. All future utilities shall be underground if possible.

056
CG

Ray
m



US Highway 93

S89°18'23"W Parcel 2
446.97

N88°52'13"W
179.83

N88°52'13"W
185.20

118.41
S00°03'45"E

N65°06'07"W
709.96

Parcel 1

920.84
S00°30'08"E

N00°28'06"W
766.13

488.06
S84°12'15"E

350.07
N65°08'50"E

517.24
S81°18'13"E

201.52
S89°38'34"E

N00°28'06"W
648

This map is solely for the purpose of
assisting in locating the premises and the
company assumes no liability for variations
if any, with an actual survey.

First American Title Co

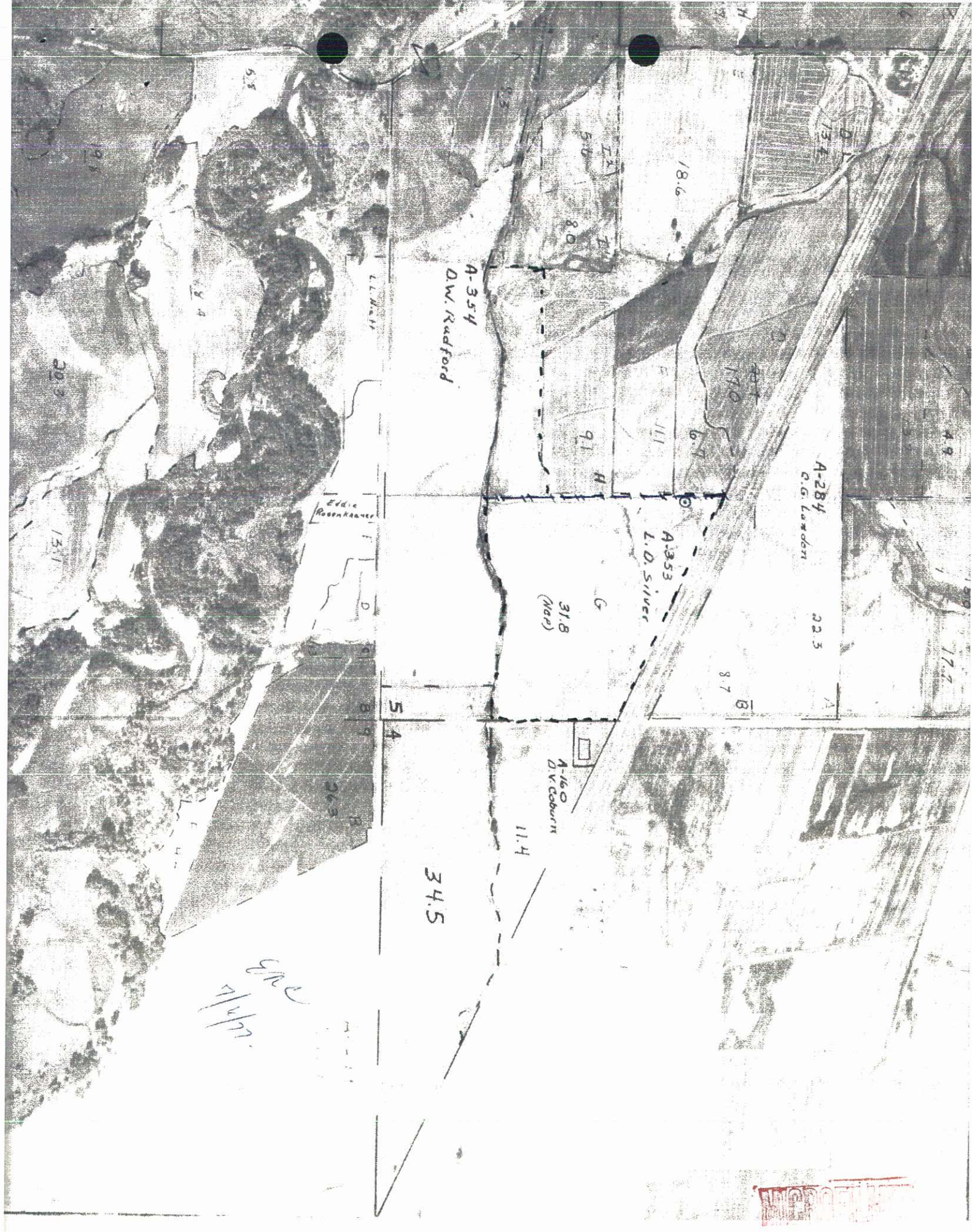
SE
Corner

Title: Ptn. SE¼ 5-6N-25E, Custer County, Idaho

Date: 08-31-2009

Scale: 1 inch = 200 feet

File: 311437.des



A-354
D.W. Rudford

A-284
A.G. London

A-353
L.D. Silver

31.8
(Nap)

A-160
D.V. Coburn

34.5

11.4

5.4

Eddie
Rosenkranz

ENC
7/6/77

ENCLOSURE

