

Received Jan 11, 2011 JBF

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

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)
~~29-1756~~					
(Enclosed)					
29-7776	Split into	29-13993 & 29-13994			

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

SUPPORT DATA

- A. The appropriate **FILING FEE**. See instructions for fee amounts.

IN FILE # 29-7776

- 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)

Thomas + Ginny Phillips

2087 E Harkness Canyon Rd.

McCannon, ID 83250

4. New Owner/Claimant(s)

Joseph A. Foster

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

New Mailing Address

2087 E Harkness Canyon Rd.

City, State and ZIP Code

McCannon, ID 83250

New Telephone Number

(208) 339-0948

Email: jafoster2@up.com

5. Date you acquired the property

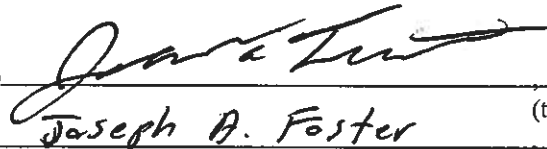
8-11-2010

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)



(title if applicable)

Joseph A. Foster

(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 _____ Date _____
 Received by _____ Date _____
 Processed by _____ AJ Date _____

Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____

Water Right Report 29-7776



Will change to split;
1/3 or
108 gal per min. for 15 Acres.

Status: Active

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01	to 12/31	0.040 CFS	0.60 AF
IRRIGATION	04/01	to 10/31	0.140 CFS	42.40 AF
		<u>Total Diversion:</u>	0.140 CFS	43.00 AF

GROUND WATER BANNOCK County	L6 (NW1/4SW1/4)	Sec. 6,	Twp 09S,	Rge 37E, B.M.
GROUND WATER BANNOCK County	NW1/4SE1/4	Sec. 6,	Twp 09S,	Rge 37E, B.M.

DOMESTIC

IRRIGATION

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-7776

		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09S 36E	1													2.1				2.1
09S 37E	6								2.5	4.1					3.4			10.0
										L 6								

Total Acres: 12.1

Conditions of Approval:

1. WB5 Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.
2. 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.
3. 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

Remarks:Comments:

1. dcarlson 12/10/2002 Field Report Narrative
Comment: two wells/pumps to home and 12.1 acres irrigation
3 hp franklin electrical pump to 2 inch mainline and sprinklers
1 hp submersible pump to home and rainbird sprinklers.

Dates and Other Information:

Licensed Date: 1/17/2003
 Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre: 0.02
 Generic Max Volume Per Acre: 3.5
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number:
 Judicial District:
 Swan Falls Trust or Nontrust: N
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 29-7776



Pioneer Co.

135 N. Arthur Ave. / Pocatello, Idaho 83204
(208) 233-9595

Order No. 20100961 SMK LT

WARRANTY DEED

For Value Received

Thomas E. Phillips and Ginny M. Phillips, husband and wife

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

J Joseph A. Foster, an unmarried person

hereinafter referred to as Grantee, whose current address is

2087 E Harkness Canyon Road, McCammon, ID 83250

the following described premises, to-wit:

LEGAL DESCRIPTION EXHIBIT "A" ATTACHED

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) his heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), that the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all claims whatsoever.

Dated: August 11, 2010

Thomas E. Phillips
Thomas E. Phillips

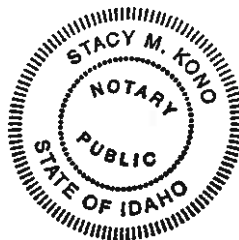
Ginny M. Phillips
Ginny M. Phillips

STATE OF IDAHO

COUNTY OF BANNOCK

s.

On this 11th day of AUGUST, in the year of 2010, before me STACY M. KONO, notary public personally appeared THOMAS E. PHILLIPS and GINNY M. PHILLIPS known or identified to me to be the person/persons whose name is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Stacy M. Kono
STACY M. KONO
Notary Public of IDAHO
Residing at POCATELLO, ID
Commission expires: March 9, 2015

EXHIBIT A

A parcel of land situated in the NE¼ of the SE¼ of Section 1, Township 9 South, Range 36 East, Boise Meridian, Bannock County, Idaho, more particularly described as follows:

(Basis of bearings North 0°09'21" East between the South 1/16 corner on the East line of said Section to the East Quarter corner of said Section)

Beginning at the South 1/16th corner on the East line of said Section, said point being monumented by a Bannock County Brass Cap monument stamped LS 968, 1977; thence South 89°36'00" West along the South 1/16th line of said Section, 604.40 feet to the centerline of Harkness Canyon Road; thence North 31°09'50" East along said centerline, 256.69 feet; thence North 58°44'55" East along said centerline, 553.18 feet to the East line of said Section; thence South 0°09'21" West along said East line, 502.42 feet, to the point of beginning.

AND ALSO:

Government Lot 6; NE¼SW¼; NW¼SE¼; NE¼SE¼; SE¼NE¼ of Section 6, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

TP GP F

Addendum # 1

NORTH

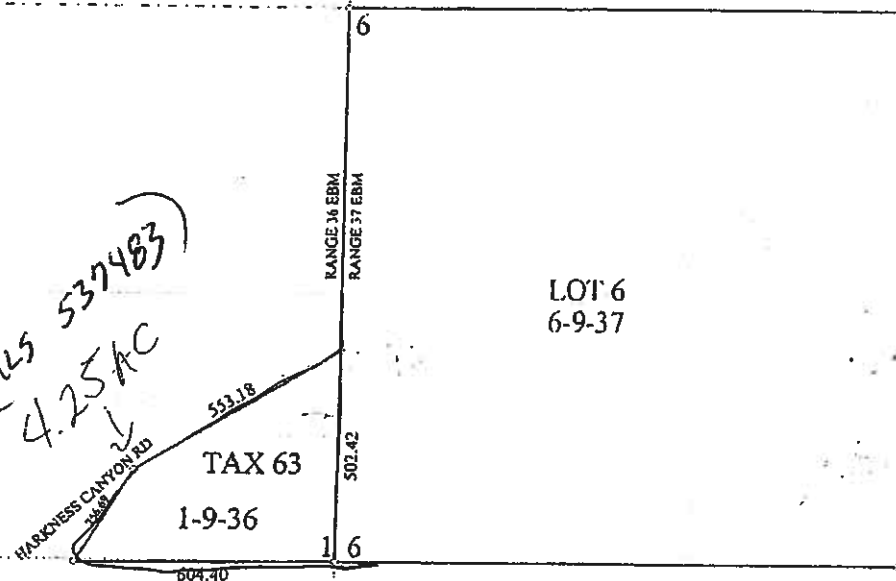
SECTION 1, TOWNSHIP 9 SOUTH, RANGE 36 EBM, BANNOCK COUNTY, IDAHO

AND

SECTION 6, TOWNSHIP 9 SOUTH, RANGE 37 EBM, BANNOCK COUNTY, IDAHO

House w/ 38.5 AC.
m/s (537485)
↓

(m/s 537483)
4.25 AC
↓



Purchase to include both parcels

Buyer [Signature]

Date 7-19-10

Sellers _____

Date _____

Harkness Canyon Road

Section 1
Section 12
Section 6
Section 7

- Parcel 1
- Parcel 2
- Exception

US Highway 20