

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

RECEIVED  
 APR 23 2010  
 DEPT. OF WATER RESOURCES  
 SOUTHERN 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) |
|-------------------|--------------------------|----------|-------------------|--------------------------|----------|
| 37-00026          | A37-00026                |          |                   |                          |          |
| 37-00027          | A37-00027                |          |                   |                          |          |
|                   |                          |          |                   |                          |          |
|                   |                          |          |                   |                          |          |
|                   |                          |          |                   |                          |          |
|                   |                          |          |                   |                          |          |

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

- 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**.

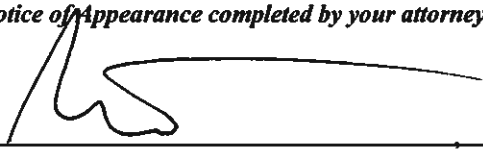
|                                                 |                                                                                                                                                         |
|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3. Name and Address of Former Owner/Claimant(s) | MV Property, LLC<br>P.O. Box 9330<br>Ketchum, ID 83340                                                                                                  |
| 4. New Owner/Claimant(s)                        | Wood River Land Trust Company<br>Name Connector (Check one): <input type="checkbox"/> and, <input type="checkbox"/> or, <input type="checkbox"/> and/or |
| New Mailing Address                             | 119 E. Bullion St.                                                                                                                                      |
| City, State and ZIP Code                        | Hailey, ID 83353                                                                                                                                        |
| New Telephone Number                            | ( ) _____ Email: _____                                                                                                                                  |

5. Date you acquired the property April 13, 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<br>(If the right will not be split, skip this area and proceed to line 7) |                                                                            |                                                              |
|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Use                                                                                                            | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| <b>Water Right and/or Adjudication Claim Number</b>                                                                  |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| <b>Totals</b>                                                                                                        |                                                                            |                                                              |
| <b>Water Right and/or Adjudication Claim Number</b>                                                                  |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| <b>Totals</b>                                                                                                        |                                                                            |                                                              |
| <b>Water Right and/or Adjudication Claim Number</b>                                                                  |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| <b>Totals</b>                                                                                                        |                                                                            |                                                              |

*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)

(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 \_\_\_\_\_

Receipt Amt. \_\_\_\_\_

Receipted by \_\_\_\_\_

Date \_\_\_\_\_

Receipt No. \_\_\_\_\_

Processed by \_\_\_\_\_ AJ

Date \_\_\_\_\_

WR \_\_\_\_\_ Date \_\_\_\_\_

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

JOHN A. SEILLER  
Attorney at Law, PLLC, ISB No. 4595  
191 Fifth Street West, Third Floor  
Post Office Box 6090  
Ketchum, Idaho 83340  
(208) 726-5962  
FAX 726-5998

**Instrument # 566559**

HAILEY, BLAINE, IDAHO  
4-13-2009 04:23:58 No. of Pages: 5  
Recorded for: JOHN A SEILLER  
JOLYNN DRAGE Fee: 15.00  
Ex-Officio Recorder Deputy  
Index to: MISC AFFIDAVITS



(Space above this line is for Recorder's use, only.)

AFFIDAVIT AFFECTING TITLE TO PROPERTY  
AND  
CORRECTION WARRANTY DEED

**ORIGINAL**

STATE OF IDAHO                    )  
                                          )       ss.  
County of Blaine                 )

I, DAVID S. MCDONALD, being duly sworn under oath, depose and state:

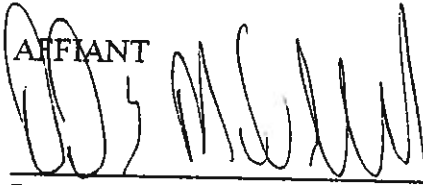
1. I make this affidavit of my own personal knowledge.
  2. I am making this affidavit affecting title to the water rights appurtenant to real property, described on EXHIBIT A (referred to in this affidavit as the "Property").
  3. I am the manager of MV PROPERTY LLC, an Idaho limited liability company ("MV Property"), the former fee simple title holder of the Property, and the entity that conveyed the Property to the current fee simple title holder, WOOD RIVER LAND TRUST COMPANY, an Idaho nonprofit corporation (the "Land Trust"), by Warranty Deed recorded December 21, 2007, as Blaine County Instrument No. 554221 ("Instrument No. 554221").
  4. While Instrument No. 554221 is correct in all other respects, MV Property nor I, ever intended to convey any water rights to the Land Trust in Instrument No. 554221. However, Instrument No. 554221 included all "appurtenances" with the Property, and therefore, it could be interpreted that Instrument No. 554221, included all water rights appurtenant to the Property. Instrument No. 554221 should have contained a statement that water rights would be excluded from all appurtenances to the Property.
  5. As a result of an interpretation that the Land Trust had received all water rights appurtenant to the Property, the Land Trust executed Warranty Deed recorded February 4, 2008, as Blaine County Instrument No. 555372 ("Instrument No. 555372"), purporting to convey all the water rights appurtenant to the Property back to MV Property. Unfortunately, Instrument No. 555372 did not convey all the water rights appurtenant to the Property, so that deed was in
- AFFIDAVIT AFFECTING TITLE TO PROPERTY AND CORRECTION WARRANTY  
DEED/Page 1 of 4

error. In addition, the Land Trust executed an additional Warranty Deed recorded March 26, 2009, as Blaine County Instrument No. 566054 ("Instrument No. 566054"), which appears to be intended to correct Instrument No. 555373, but that deed is in error, as well. If Instrument No. 554221 had contained a statement that water rights were excluded from all appurtenances to the Property, then Instrument No. 555373 and Instrument No. 566054 would not have been necessary.

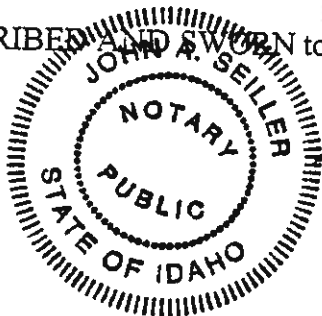
6. Subsequently, MV Property executed a Warranty Deed intending to transfer part, but not all the water rights appurtenant to the Property to the Land Trust, which was a Warranty Deed recorded February 4, 2008, as Blaine County Instrument No. 555373 ("Instrument No. 555373"). However, Instrument No. 555373 contained multiple errors. MV Property executed a Warranty Deed recorded February 26, 2009, as Blaine County Instrument No. 565218 ("Instrument No. 565218") and a Warranty Deed recorded March 3, 2009, as Blaine County Instrument No. 565306 ("Instrument No. 565306"), both of which were intended to correct Instrument No. 555373, but both Instrument No. 565218 and Instrument No. 565306 also contained errors. As a result, **Instrument No. 554221 is corrected, but only amended by this Correction Warranty Deed, as set out below. Instrument No. 555373, Instrument No. 565218 and Instrument No. 565306 are all corrected and replaced by this Correction Warranty Deed, which relates back to February 4, 2008, the date MV Property recorded Instrument No. 555373, as set out below.**

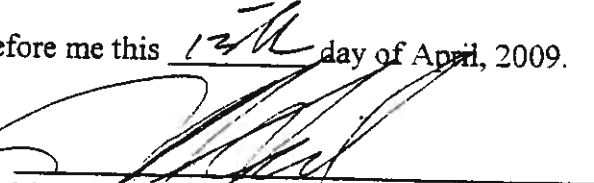
DATED this 13 day of April, 2009.

AFFIANT

  
DAVID S. MCDONALD

SUBSCRIBED AND SWORN to before me this 13th day of April, 2009.



  
Notary Public for the State of Idaho

Residing: Ketchikan, Idaho

Commission Expires: Oct. 2011

**THIS CORRECTION WARRANTY DEED CORRECTS AND AMENDS the Warranty Deed recorded December 21, 2007, as Blaine County Instrument No. 554221, by adding this statement, "Any and all water rights are excluded from the appurtenances."**

**THIS CORRECTION WARRANTY DEED CORRECTS AND REPLACES Warranty Deed recorded February 4, 2008, as Blaine County Instrument No. 555373; Warranty Deed recorded February 26, 2009, as Blaine County Instrument No. 565218; and Warranty Deed recorded March 3, 2009, as Blaine County Instrument No. 565306. and AFFIDAVIT AFFECTING TITLE TO PROPERTY AND CORRECTION WARRANTY DEED/Page 2 of 4**

therefore, this Correction Warranty Deed relates back to the date of the Warranty Deed recorded as Instrument No. 555373, on February 4, 2008.

MV PROPERTY LLC, an Idaho limited liability company, Grantor, grants, bargains, sells and conveys to WOOD RIVER LAND TRUST COMPANY, an Idaho nonprofit corporation, Grantee, the following water rights appurtenant to real property described on EXHIBIT A, located in Blaine County, Idaho, and more particularly described as follows:

0.10 cubic feet per second or 5 inches of Idaho Department of Water Resources water right number 37-26 with a ten percent (10%) river channel loss assessed to the right.

0.10 cubic feet per second or 5 inches of Idaho Department of Water Resources water right number 37-27 with a ten percent (10%) river channel loss assessed to the right.

Subject to taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

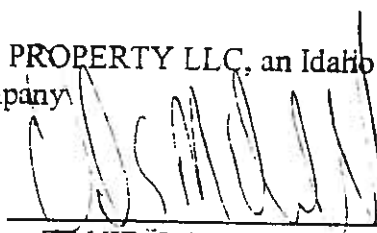
TO HAVE AND TO HOLD the said premises, with all appurtenances, including, without limitation, any and all water rights, if any, unto Grantee and to Grantee's heirs and assigns forever. Grantor does hereby covenant to and with Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above; and that Grantor will warrant and defend the same from all lawful claims.

This Affidavit Affecting Title to Property and Correction Warranty Deed is intended to be recorded with and immediately after a Correction Quitclaim Deed from the Wood River Land Trust Company to MV Property LLC, correcting prior instruments recorded in Blaine County, Idaho, referenced in that document.

DATED this 13 day of April, 2009.

MV PROPERTY LLC, an Idaho limited liability company

By:

  
DAVID S. McDONALD, Manager

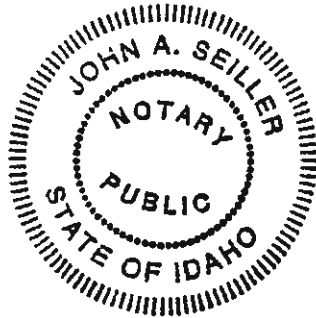
STATE OF IDAHO )

County of Blaine )

ss.

On this 13<sup>th</sup> day of April, 2009, before me, the undersigned, personally appeared DAVID S. McDONALD, known or identified to me to be the manager of MV Property LLC, the limited liability company that executed the foregoing instrument, and acknowledged to me that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



A handwritten signature of John A. Seiler in dark ink, written over a horizontal line.

Notary Public for Idaho

Residing: Boise, Idaho

Commission Expires: Oct. 2011

EXHIBIT A  
LEGAL DESCRIPTION

A parcel of land located within Sections 13 and 24, Township 1 South, Range 17 East, Boise Meridian, Blaine County, Idaho and also within Sections 18 and 19, Township 1 South, Range 18 East, Boise Meridian, Blaine County, Idaho, more particularly described as follows:

Commencing at a brass cap marking the One Quarter Corner common to said Section 18 and 19, from which point the northwest corner of said Section 19 bears South  $89^{\circ}35'52''$  West 2,478.84 feet;

Thence North  $89^{\circ}38'46''$  East 1,331.67 feet along the north boundary of said Section 19 to an aluminum cap marking the northeast corner of the NW1/4 NE1/4, Section 19, which point is the REAL POINT OF BEGINNING;

Thence South  $0^{\circ}11'50''$  East 1,311.76 feet along the east boundary said NW1/4 NE1/4, Section 19 to an aluminum cap marking the southeast corner of said NW1/4 NE1/4, Section 19;

Thence South  $89^{\circ}29'31''$  West, 1,325.15 feet along the south boundary said NW1/4 NE1/4, Section 19, to an aluminum cap marking the southwest corner of said NW1/4, NE1/4, Section 19;

Thence South  $89^{\circ}28'02''$  West, 2,473.88 feet along the south boundary of the N1/2 NW1/4 to an aluminum cap marking the southwest corner of said N1/2 NW1/4, Section 19;

Thence South  $88^{\circ}33'38''$  West 2,227.48 feet along the south boundary of the N1/2 NE1/4, said Section 24;

Thence North  $11^{\circ}07'50''$  East 324.91 feet;

Thence North  $78^{\circ}52'10''$  West 100.00 feet;

Thence North  $11^{\circ}07'50''$  East 250.00 feet;

Thence South  $78^{\circ}52'10''$  East 100.00 feet;

Thence North  $11^{\circ}07'50''$  East 2,225.80 feet to a point on the southerly boundary of Idaho State Highway No. 20;

Thence the following five courses and distances along the southerly boundary of said Idaho State Highway No. 20 to aluminum caps:

South  $79^{\circ}18'56''$  East 345.39 feet;

North  $61^{\circ}30'28''$  East 221.48 feet;

South  $79^{\circ}19'06''$  East 2,565.58 feet;

South  $79^{\circ}19'09''$  East 2,330.08 feet;

South  $45^{\circ}58'28''$  East 185.05 feet;

Thence South  $0^{\circ}24'42''$  East 351.20 feet along the east boundary of the SW1/4 SE1/4 said Section 18 to the POINT OF BEGINNING.