

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)
35-4271A	OK				
35-8635A	OK				
35-8679	OK				

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 # 35-4271A
- 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)	<u>IDAHO FISH AND WILDLIFE FOUNDATION</u> <u>PO Box 2254</u> <u>BOISE, ID 83701</u>
4. New Owner/Claimant(s)	<u>IDAHO FISH AND GAME COMMISSION</u>
	Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address	<u>PO Box 25</u>
City, State and ZIP Code	<u>BOISE, ID 83707</u>
New Telephone Number	<u>(208) 334-3771</u> Email: _____

5. Date you acquired the property JULY 12, 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)

Virgil Moore
VIRGIL MOORE, IDFG
DEPUTY DIRECTOR
 (title if applicable)
ACTING FOR CAL GROEN, IDFG DIRECTOR AND SECRETARY FOR THE
IDAHO FISH AND GAME COMMISSION
 (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. _____

Received by _____

Date _____

Receipt No. _____

Processed by _____ AJ

Date _____

WR _____ Date _____

Recording Requested By and
When Recorded Return to:

State of Idaho, Department of Fish and Game
P.O. Box 25
Boise, Idaho 83707
Attn: Ed Schriever

339623-B

Instrument # 619692

BINGHAM COUNTY, IDAHO
07-13-2010 11:48:45 AM No. of Pages: 6
Recorded for: FIRST AMERICAN TITLE - BL
SARA J. STAUB Fee: 25.00
Ex-Officio Recorder Deputy BDahlquist
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

SPECIAL WARRANTY DEED

(Idaho)

THIS WARRANTY DEED is made this 8th day of July, 2010, between the Idaho Fish and Wildlife Foundation, Inc., an Idaho nonprofit corporation, the "Grantor," and the State of Idaho Department of Fish and Game, the "Grantee," whose complete mailing address is P.O. Box 25, Boise, Idaho 83707.

WITNESSETH:

For valuable consideration Grantor does hereby sell, transfer and convey to Grantee the following described real property situate in the County of Bingham, State of Idaho, to-wit:

Described on attached EXHIBIT "A."

TOGETHER WITH the tenements, hereditaments, water and water rights, including but not limited to Department of Water Resources Water Right Nos. 35-4271A, 35-8635A and 35-8679, and appurtenances thereunto belonging or in anywise appertaining (collectively the "Premises").

TO HAVE AND TO HOLD said Premises unto Grantee, its successors and assigns forever.

SPECIAL WARRANTY DEED - 1

41811.0014.1977203.1

619692

Recording Requested By and
When Recorded Return to:

State of Idaho, Department of Fish and Game
P.O. Box 25
Boise, Idaho 83707
Attn: Ed Schriever

339623-B

Recorded Electronically	
ID	<u>619692</u>
County	<u>Bingham</u>
Date	<u>7-13-10</u> Time <u>11:48 AM</u>
Simplifile.com 800.460.5657	

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TO HAVE AND TO HOLD said Premises unto Grantee, its successors and assigns forever.

Grantor hereby covenants with Grantee that the Premises are free from all encumbrances made by Grantor and that it will warrant and defend said Premises against the lawful claims of all persons claiming by, through or under Grantor, subject to reservations or restrictions in federal patents or state deeds or in laws providing for such patents or deeds, to all easements or other matters of record or appearing from an accurate survey and examination of the Premises, including but not limited to those liens, encumbrances and other matters listed on EXHIBIT "B" attached hereto and by this reference made a part hereof, and to the rights of all persons in possession, if any.

IN WITNESS WHEREOF, this Special Warranty Deed has been duly executed by Grantor as of the day and year herein first above written.

IDAHO FISH AND WILDLIFE FOUNDATION,
INC., an Idaho nonprofit corporation

By: 
Ann Dehner, Executive Director

STATE OF IDAHO)
) ss.
County of Ada)

On this 8th day of July, 2010, before me, Richard F. Goodson, a Notary Public in and for said State, personally appeared Ann Dehner, known or identified to me to be the Executive Director of Idaho Fish and Wildlife Foundation, Inc., an Idaho nonprofit corporation, the nonprofit corporation that executed the within instrument or the person who executed the instrument on behalf of said nonprofit corporation, and acknowledged to me that such nonprofit 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.



Richard F. Goodson
Notary Public for Idaho
Residing at Bonnie, Idaho
My commission expires 10/22/2012

Exhibit "A"

Parcel I:

Part of the Northeast ¼ of Section 24, Township 4 South, Range 32, East, Boise Meridian, Bingham County, Idaho, described as:

Beginning at a Point on the West line of a county road that is South 0°13'14" West 1001.26 feet along the section line and North 89°40'08" West 57.90 feet from the Northeast corner of said section 24 and running thence South 1°11'42" West 1128.14 feet along said West line to the North line of a county road; thence South 80°53'08" West 813.33 feet along said North line; thence South 81°36'36" West 753.22 feet along said North line; thence North 2°55'53" West 1377.93 feet; thence South 89°40' 08" East 1642.24 feet to the Point of Beginning.

Parcel II:

Part of the East ½ of the Section 24, Township 4 South, Range 32, East, Boise Meridian, Bingham County, Idaho, described as follows:

Beginning at a Point in an existing north-south fence line that is North 00°13'14" East 1615.08 feet along the section line and North 89°34'12" West 33.14 feet from the Southeast corner of said Section 24 and running thence North 01°42'30" West 1509.49 feet along said existing fence line to the South line of an existing County Road; thence South 81°36'31" West 714.85 feet along said South line; thence South 02°48'39" West 834.28 feet; thence South 30°55'57" West 426.02 feet; thence South 44°54'25" West 277.78 feet; thence South 89°34'12" East 1208.22 feet to the Point of Beginning.

EXCEPTING THEREFROM:

Part of the east ½ of Section 24, Township 4 South, Range 32, East, Boise Meridian, Bingham County, Idaho, described as:

Beginning at a Point in an existing East west fence line that is North 0°13'14" East 1615.08 feet along the section line and North 89°34'12" West 177.66 feet from the Southeast corner of said Section 24 and running thence North 89°34'12" West 1063.71 feet; thence North 44°54'05" East 124.50 feet to an existing fence line; thence South 84°22'19" East 980.51 feet along said fence line to the Point of Beginning.

EXHIBIT B
LIST OF PERMITTED EXCEPTIONS

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title including discrepancies, conflicts in boundary lines, shortage in area, or any other facts that would be disclosed by an accurate and complete land survey of the land, and that are not shown in the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Any liens, or rights to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
7. 2010 taxes, not yet due and payable.
8. Levies and assessments of Aberdeen-Springfield Canal Company.
9. Levies and assessments of American Falls-Aberdeen Ground Water District.
10. Easement for ditches running through as disclosed by decree, recorded February 3, 1916, in Book 3 of Judgments, Page 406.
11. Easement for power lines granted to Idaho Power Company, recorded April 11, 1972, as Instrument No. 168948.
(Affects S½ NE¼ Section 24 & additional property)
12. Easement for power lines granted to Idaho Power Company, recorded March 11, 1975, as Instrument No. 198965.
(Affects N½ Section 24)
13. Provisions in deed to Roger Ferguson and Sybil Ferguson, husband and wife, recorded December 19, 1986, as Instrument No. 356696, correction recorded March 9, 1989, as Instrument No. 378743, and correction recorded September 5, 1989, as Instrument No. 383462.

14. All matters, and any rights, easements, interests or claims which may exist by reason thereof, disclosed by survey recorded February 13, 1987, as Instrument No. 358391.

15. Easement for power lines granted to Idaho Power Company, recorded August 15, 1988, as Instrument No. 373833.
(Affects Parcel I)

16. Easement for underground power line granted to Idaho Power Company, recorded June 28, 1989, as Instrument No. 381855.
(Affects Parcel 1)

17. All matters, and any rights, easements, interests or claims which may exist by reason thereof, disclosed by survey recorded December 27, 1989, as Instrument No. 386188.

18. All matters, and any rights, easements, interests or claims which may exist by reason thereof, disclosed by survey recorded March 6, 1991, as Instrument No. 396570.

19. All matters, and any rights, easements, interests or claims which may exist by reason thereof, disclosed by survey recorded March 26, 2007, as Instrument No. 578775.
(Affects Parcel 1)

20. All matters, and any rights, easements, interests or claims which may exist by reason thereof, disclosed by survey recorded June 25, 2010, as Instrument No. 619152.