

DE ✓ #46882

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

RECEIVED
JAN 29 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.

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 ~~38~~ -13609	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

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 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)	<u>ADTD FARMS, LLC</u> <u>246 East 300 South</u> <u>Burley, ID 83318</u>
New Owner/Claimant(s)	<u>Michael P. Wheeler and Diana M. Wheeler</u> Name Connector (Check one): [] and, [] or, [] and/or
New Mailing Address	<u>2155 East 100 South</u>
City, State and ZIP Code	<u>Declo, ID 83323</u>
New Telephone Number	<u>(208) 349-5761</u>
Date you acquired the property	<u>October 30, 2009</u>

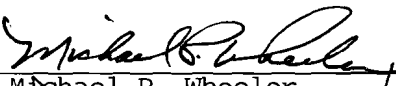
5. Date you acquired the property _____

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		

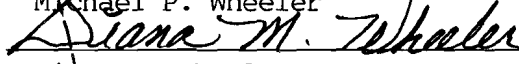
For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

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



Michael P. Wheeler

(title if applicable)



Diana M. Wheeler

(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 CheDate 11/29/10Receipt Amt. 2500Received by CheDate 2/2/10Receipt No. 5031264

Processed by _____ AJ

Date _____

WR _____ Date _____

RECEIVED

JAN 23 2010

DEPT. OF WATER RESOURCES
SOUTHERN REGION

CASSIA COUNTY

RECORDED FOR:

LAND TITLE AND ESCROW

2:43:52 pm 10-30-2009

2009-005517

NO. PAGES: 6 FEE: \$18.01

LARRY A. MICKELSEN
COUNTY CLERK

DEPUTY: VIKI

After recording, send to:

Michael P. and Diana M. Wheeler
2155 East 100 South
Declo, Idaho 83323

Recording Information:

WARRANTY DEED

FOR VALUE RECEIVED, ADTD FARMS, LLC, a limited liability company, of 246 East 300 South, Burley, Idaho 83318, the Grantor, does hereby grant, bargain, sell and convey unto MICHAEL P. WHEELER and DIANA M. WHEELER, husband and wife, the Grantees, whose current address is 2155 East 100 South, Declo, Idaho 83323, the following described premises, to-wit:

PARCEL NO. 1:

Part of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 36 of Township 10 South, Range 26 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the NW corner of Section 36, Township 10 S., R.26 E., B.M. said corner marked by an iron pipe with brass cap; Thence South 00°17'39" West along the west line of Section 36 for a distance of 68.05 feet (68.14', rec.) to a 5/8" rebar with a 2" alum. cap on top which shall be the Point of Beginning;

THENCE South 89°59'24" East along the south right-of-way of Yale Road for a distance of 123.08 feet;

THENCE South 00°13'48" West (S 0°11'30" E, rec.) for a distance of 423.30 feet (423.21', rec.);

THENCE North 89°29'18" East (N 89°04'04" E, rec.) for a distance of 129.01 feet;

THENCE North 00°13'48" East (N 0°11'30" W, rec.) for a distance of 422.12 feet (422.05', rec.) to the south right of way of Yale Road;

THENCE South 89°59'24" East along the south right of way of Yale Road for a distance of 694.19 feet to a 1/2" rebar;

THENCE along a non-tangent curve to the left for a distance of 1247.30 feet

to a ½" rebar, said curve having a radius of 1361.33 feet and a central angle of 52°29'47" with a long chord bearing of South 48°13'23" West for a distance of 1204.12 feet;

THENCE North 89°57'50" West for a distance of 52.42 feet to a ½" rebar on the west line of Section 36;

THENCE North 00°17'39" East along the west line of Section 36 for a distance of 802.37 feet to the Point of Beginning.

Said property contains 5.33 acres more or less and is subject to any easements or right of ways of record.

PARCEL NO. 2:

Part of the Northeast Quarter (NE¼) of Section 26, Township 10 South, Range 26 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the Northeast corner of Section 26 of T. 10 S., R. 26 E., B.M. said corner marked by a U.S. G.L.O. iron pipe with a brass cap on top which shall be the Point of Beginning;

THENCE South 00°00'27" East (S 00°26'11" E rec.) along the east section line of Section 26 for a distance of 640.19 feet (640.25 feet rec.) to a ½" rebar;

THENCE North 89°54'40" West (N 89°40'06" W rec.) for a distance of 1854.06 feet (1853.73 feet rec.) to a ½" rebar;

THENCE North 00°18'29" West for a distance of 649.02 feet to a ½" rebar on the north line of Section 26;

THENCE South 89°38'22" East along said north line for a distance of 1857.50 feet to the Point of Beginning.

Said property contains 27.46 acres more or less and is subject to any easements or right of ways of record.

PARCEL NO. 3:

Part of the Northeast Quarter (NE¼) of Section 26, Township 10 South, Range 26 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the Northeast corner of Section 26 of T. 10 S., R. 26 E., B.M. said corner marked by a U.S. G.L.O. iron pipe with a brass cap on top; Thence North 89°38'22" West along the north line of Section 26 for a distance of 1857.50 feet to a ½" rebar; Thence South 00°18'29" East for a distance of 649.02 feet to a ½" rebar; Thence South 00°18'49" East (S 00°43'46" E rec.) for a distance of

605.18 feet to a ½" rebar which shall be the Point of Beginning;

THENCE North 89°07'46" East (N 88°42'21" E rec.) for a distance of 479.11 feet (479.10 feet rec.) to a ½" rebar;

THENCE South 00°22'53" East (S 00°48'35" E rec.) for a distance of 403.31 feet (403.40 feet rec.) to a ½" rebar;

THENCE South 89°44'33" East (S 89°49'57" E. rec.) for a distance of 557.54 feet (557.55 feet rec.) to a ½" rebar;

THENCE South 01°55'19" East (S 02°20'11" E rec.) for a distance of 60.00 feet to a ½" rebar;

THENCE North 89°38'22" West for a distance of 1038.83 feet to a ½" rebar;

THENCE North 00°18'49" West for a distance of 451.97 feet to the Point of Beginning.

Said property contains 5.79 acres more or less and is subject to any easements or right of ways of record.

PARCEL NO. 4:

Part of the Northeast Quarter (NE¼) of Section 26 of Township 10 South, Range 26 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the Northeast corner of Section 26 of T. 10 S., R. 26 E., B.M. said corner marked by a U.S. G.L.O. iron pipe with a brass cap on top; Thence South 00°00'27" East (S 00°26'11" E rec.) along the east line of Section 26 for a distance of 2097.70 feet to a ½" rebar which shall be the Point of Beginning;

THENCE South 00°00'27" East along the east line of Section 26 for a distance of 65.54 feet to a ½" rebar;

THENCE North 89°38'22" West for a distance of 26.11 feet to a ½" rebar;

THENCE North 89°38'22" West for a distance of 768.22 feet to a ½" rebar;

THENCE North 01°55'19" West for a distance of 60.00 feet to a ½" rebar;

THENCE North 89°57'31" East (N 89°32'15" W rec.) for a distance of 796.32 feet (796.23 feet rec.) to the Point of Beginning.

Said property contains 1.15 acres more or less and is subject to a county road right of way along the east side and subject to any other easements or right of ways of record.

together with the water rights appurtenant to 4.14 acres in Parcel No. 1 of said real property being .0348 cfs from Water Right No. 43-13620, and all appurtenances thereunto belonging.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the Grantees that it is the owner in fee of said premises, that said premises are free from all encumbrances, and that it will warrant and defend the same from all lawful claims whatsoever.

DATED this 13 day of October, 2009.

ADTD FARMS, LLC

By: Alan Gerratt
Alan Gerratt, Member

By: Dan H. Clayton
Dan H. Clayton, Member

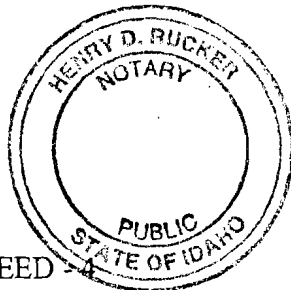
By: Todd Gerratt
Todd Gerratt, Member

By: David Gerratt
David Gerratt, Member

By: Steve Gerratt
Steve Gerratt, Member

STATE OF IDAHO)
)ss.
COUNTY OF Cassia)

On this 13th day of October, 2009, before me, the undersigned, a Notary Public, personally appeared **Alan Gerratt**, known or identified to me to be a member of **ADTD Farms, LLC**, the limited liability company that executed the foregoing instrument, and acknowledged to me that such limited liability company executed the same.



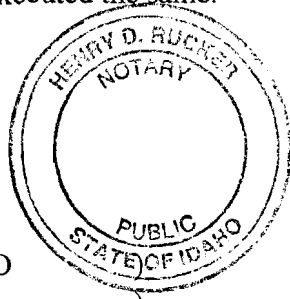
WARRANTY DEED - 4

Henry D. Rucker
Notary Public
Residing at: Burley Idaho
My Commission Expires:

12-16-09

STATE OF IDAHO)
)ss.
COUNTY OF Cassia)

On this 13th day of October, 2009, before me, the undersigned, a Notary Public, personally appeared **Dan H. Clayton**, known or identified to me to be a member of **ADTD Farms, LLC**, the limited liability company that executed the foregoing instrument, and acknowledged to me that such limited liability company executed the same.



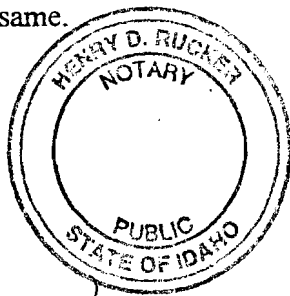
Henry D. Rucker
Notary Public

Residing at: Burley Idaho

My Commission Expires: 12-16-09

STATE OF IDAHO)
)ss.
COUNTY OF Cassia)

On this 13th day of October, 2009, before me, the undersigned, a Notary Public, personally appeared **Todd Gerratt**, known or identified to me to be a member of **ADTD Farms, LLC**, the limited liability company that executed the foregoing instrument, and acknowledged to me that such limited liability company executed the same.



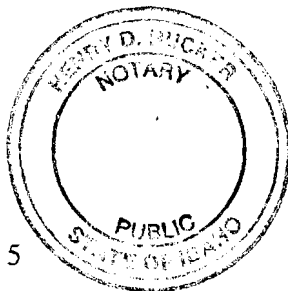
Henry D. Rucker
Notary Public

Residing at: Burley Idaho

My Commission Expires: 12-16-09

STATE OF IDAHO)
)ss.
COUNTY OF Cassia)

On this 13th day of October, 2009, before me, the undersigned, a Notary Public, personally appeared **David Gerratt**, known or identified to me to be a member of **ADTD Farms, LLC**, the limited liability company that executed the foregoing instrument, and acknowledged to me that such limited liability company executed the same.



Henry D. Rucker
Notary Public

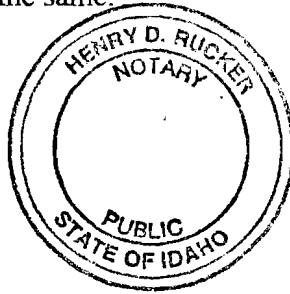
Residing at: Burley Idaho

My Commission Expires: 12-16-09

WARRANTY DEED - 5

STATE OF IDAHO)
)ss.
COUNTY OF Cassia)

On this 13th day of October, 2009, before me, the undersigned, a Notary Public, personally appeared **Steve Gerratt**, known or identified to me to be a member of **ADTD Farms, LLC**, the limited liability company that executed the foregoing instrument, and acknowledged to me that such limited liability company executed the same.



Henry D. Rucker
Notary Public
Residing at: Curley Idaho
My Commission Expires: 12-16-09